

ADMINISTRATIVE PANEL DECISION

Redpill Linpro AB v. Dmitrij V Danilov
Case No. D2024-4424

1. The Parties

The Complainant is Redpill Linpro AB, Sweden, represented by Vamo Varumärkesombudet AB, Sweden.

The Respondent is Dmitrij V Danilov, Russian Federation.

2. The Domain Name and Registrar

The disputed domain name <redpilldev.tech> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 29, 2024. On November 1, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 4, 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 (Privacy Protect, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 5, 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 November 6, 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 November 8, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 28, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 2, 2024.

The Center appointed Andrew D. S. Lothian as the sole panelist in this matter on December 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

The Complainant is a Swedish company (Aktiebolag) registered on March 5, 2003 under registration number 5566410576. Its business is in information technology solutions and services. It has a variety of offices across Sweden, Denmark and Norway. The Complainant states that it was founded in 1995 as Redpill AB, adding that the name change to Redpill Linpro AB took place in 2003.

The Complainant is the owner of figurative registered trademarks for the mark REDPILL LINPRO consisting of these words in a stylized typeface colored white with the first word offset and above the second, set against a red background with graduated shading. For example, the Complainant is the owner of European Union Registered Trademark Number 18381913, filed on January 22, 2021, and registered on May 21, 2021 in Classes 9, 35, 41, and 42, and of Norwegian Registered Trademark Number 316080, filed on January 27, 2021, and registered on June 14, 2021, in Classes 9, 35, 41, and 42, and of United Kingdom Registered Trademark Number 3584764, filed on January 26, 2021, and registered on July 23, 2021, in Classes 9, 35, 41, and 42.

Said figurative marks have the following appearance:



The Complainant is also the owner of other figurative registered trademarks for the mark REDPILL LINPRO where the mark has broadly the same appearance as the previously described marks, except for the fact that the background is white and the typeface is in red. For example, the Complainant is the owner of European Union Registered Trademark Number 18308862, filed on September 16, 2020, and registered on January 15, 2021 in Classes 9, 35, 41, and 42, and of Norwegian Registered Trademark Number 314548, filed on September 23, 2020, and registered on March 18, 2021, in Classes 9, 35, 41, and 42, and of United Kingdom Registered Trademark Number 3583392, filed on January 22, 2021, and registered on July 23, 2021, in Classes 9, 35, 41, and 42.

Said figurative marks have the following appearance:



The Complainant, and its subsidiary, are the owners of various domain names containing the elements "redpill" and "linpro", with and without a hyphen separator. The earliest of these domain names was registered on July 24, 2008.

The disputed domain name was registered on April 13, 2021. It appears to be used by a business named Redpill Team and Redpill Agency, which, according to the website associated with the disputed domain name, is engaged in a wide variety of services from public relations and marketing, to game development, blockchain, NFT art, and web development.¹ Said website contains a copyright notice stating “© 2007-2024 RedPill. All Rights Reserved”.

The logo on the website associated with the disputed domain name has the following appearance:



The website associated with the disputed domain name links to a variety of social media platforms relating to the said business. For example, the Redpill Team page on LinkedIn describes the organization as, “A highly experienced BNB Grant-Winning Web3, Software and Game development company” with 51 to 200 employees. The Redpill Team account page on X (formerly Twitter) indicates that the owner joined in July 2022 and features 227 followers. Said account appears to have been posting regularly since inception, including featuring the organization’s alleged attendance at blockchain events in Istanbul in 2023, and its alleged winning of a “BNB Grant 2023 by Binance”.

The Respondent’s said website is predominantly in a white text on black, and white text on blue, style. The Complainant’s primary website is predominantly in a black text on white, and white text on red style.

Besides the website associated with the disputed domain name, and social media presence, no information is available to the Panel on the present record about the Respondent’s business, and the Respondent, which is an individual based in the Russian Federation, has chosen not to participate in the administrative proceeding.

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 dominant wording in its registered trademarks is “redpill”, and that this is repeated in the disputed domain name, with the only difference being the term “dev” which refers to development, and the absence of the term “linpro”. The Complainant asserts that “dev” lacks distinctiveness as it is a description of services. The Complainant states that the first part of the disputed domain name will be paid more attention by the public, such that there is a significant risk that the relevant public will perceive the disputed domain name as being held by the Complainant. The Complainant notes that both of the Parties provide various types of information technology services.

¹In addition to referring to the screenshots of the website associated with the disputed domain name produced by the Complainant, the Panel visited websites online via the live hyperlinks which were reproduced in said screenshots. These included links to the website associated with the disputed domain name, the Respondent’s Facebook, X (formerly Twitter) and LinkedIn pages. With reference to the Panel conducting independent research of publicly available sources, see the [WIPO Overview 3.0](#), section 4.8. The Panel determined that it was unnecessary for it to put its findings from these visits to the Complainant as they had all been produced via the hyperlinks contained in the Complainant’s screenshot and were therefore already known to it.

The Complainant asserts that its European Union registered trademarks were filed and visible in the register when the disputed domain name was registered, such that the Respondent had constructive notice thereof, adding that the Complainant is the owner of several domain names registered in 2008, well before the disputed domain name was registered. The Complainant notes that, to its knowledge, the Respondent does not have registered trademarks corresponding to the disputed domain name, and that the Respondent is using the disputed domain name for services similar to those in respect of which the Complainant's mark is registered. The Complainant concludes that the Respondent intended to exploit the Complainant's trademark or market position, and to derive undue benefits from the Complainant's established reputation, in order to drive traffic to its own website.

The Complainant submits that circumstances present in this case indicating bad faith are that the disputed domain name partly includes the Complainant's REDPILL LINPRO marks, and that similar marks are used on the website associated with the disputed domain name in respect of highly similar services to those of the Complainant. The Complainant states that it sent a cease and desist letter by email to the Respondent on March 18, 2024, notifying the Respondent of the Complainant's trademarks and the risk of confusion, adding that the Respondent did not reply to said letter.

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 mark concerned is a figurative mark consisting of the words REDPILL LINPRO in a stylized format. The Panel considers that the word element of said mark is readily excisable from the design elements for the purposes of comparison with the disputed domain name. [WIPO Overview 3.0](#), section 1.10. On comparison with the disputed domain name, it may be seen that the latter contains the first of the word elements of the former, while the word "dev" replaces the second word element.

The Complainant argues that the first ("redpill") element of its mark is distinctive of said mark, adding that the fact that this element is recognizable in the disputed domain name is sufficient for a finding of confusing similarity in terms of the Policy. The Panel has its doubts that the inclusion of the first element of the Complainant's mark in the disputed domain name is sufficient, on its own, to render said mark as a whole recognizable in the disputed domain name. The element concerned consists of the ordinary English words "red pill", which the Panel does not consider to be necessarily distinctive, nor, when included on their own, do these words tend to signal the presence of the Complainant's mark as a whole.

In any event, in light of its determination on the third element assessment below, the Panel need not reach a final conclusion on the present topic.

B. Rights or Legitimate Interests

The requirements of paragraph 4(a) of the Policy are conjunctive. A consequence of this is that failure on the part of a complainant to demonstrate one element of the Policy will result in failure of the complaint in its entirety. Accordingly, in light of the Panel's findings in connection with the third element under the Policy, no

good purpose would be served by addressing the issue of the Respondent's rights or legitimate interests in the disputed domain name.

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.

A finding that a domain name has been registered and is being used in bad faith typically requires an inference to be drawn that the respondent has registered and is using such domain name to take advantage of its significance as a trademark owned by (usually) the complainant (see: *British Airways Plc v. Softline Studios*, WIPO Case No. [D2023-2188](#)). It follows that the Complainant, on whom the burden of proof lies, must show on the balance of probabilities that the Respondent registered the disputed domain name in the knowledge of and with intent to target the Complainant and/or its rights in the trademark concerned.

Here, the Complainant shows that the disputed domain name partly includes the textual component of the Complainant's figurative REDPILL LINPRO mark, that a "RedPill" name is used on the website associated with the disputed domain name in respect of similar services to those of the Complainant, and that the Respondent did not reply to the Complainant's cease and desist letter. The Complainant also suggests that the Respondent might have registered the disputed domain name in anticipation of the registration of the Complainant's trademarks because applications for some of these were pending and could be viewed on the relevant public register as at the date when the disputed domain name was registered.

Apart from stating that its business was founded in 1995, the Complainant is silent as to the extent or reach of its name or marks. There is no evidence of the degree of distinctiveness or reputation of the Complainant's marks (including prior to registration) which might lead to the view that the Respondent was seeking to benefit unfairly in some way from such distinctiveness or reputation. Notably, while the Complainant may have a lengthy trading history, its trademarks were only registered after the disputed domain name was registered.

On the other side of the balance is the fact that the Panel is aware from its own knowledge that "red pill" is a metaphorical term used in popular culture to denote the real world or essential truth (sometimes contrasted with a "blue pill" or other colors of pill) such that it is possible that the Respondent might have come up with the term coincidentally for its own business, and thus for the composition of the disputed domain name, without reference to the Complainant's REDPILL LINPRO brand and mark. Crucially, nothing has been placed before the Panel suggesting that the Respondent has referenced the LINPRO element of the Complainant's mark, and the Parties' logos and website styles are entirely different. As far as the Panel can tell from the website associated with the disputed domain name, and the linked social media accounts, the Respondent's business appears to be genuine rather than pretextual, even if aspects of its service offering may overlap with those of the Complainant.

The Respondent does not appear to have designed its business identity to have an appearance that is similar to that of the Complainant's figurative marks, and there is no evidence before the Panel suggesting deliberate impersonation or that actual confusion has been caused by it. The Respondent appears to be based in Russia, and its business appears to have been active in Türkiye. There is no evidence before the Panel that the Respondent is engaged in activities in Europe whereby it might reasonably have been expected to have identified the Complainant's pending trademark applications and/or to have registered the disputed domain name in anticipation of such nascent rights (see [WIPO Overview 3.0](#), section 3.8.2). Even had it been aware of such pending applications, there is no clear evidence on the present record of an intent to target the Complainant's rights therein. It should be noted also that the Complainant's marks are figurative in nature, such that the protectable component is the expression of the mark as a logo or device rather than the words "Redpill Linpro" on their own (or for that matter, the single word "Redpill" alone). To the extent that the Complainant might have sought to establish that it has unregistered trademark rights in the words themselves, there is insufficient evidence before the Panel to substantiate any such assertion.

The outcome of this administrative proceeding might have been different had the Complainant been able to prove to the Panel's satisfaction that the Respondent's business is pretextual and deliberately designed to take unfair advantage of the Complainant's rights, or had there been substantive evidence that the Respondent has set out to impersonate the Complainant. However, there is no evidence of such on the present record, and the screenshot evidence, including live links to the Respondent's social media accounts, seems to suggest otherwise. The Panel acknowledges that both of the Parties are in a similar line of business under a similar name, although the mutual selection of "redpill" could be coincidental. In the particular circumstances of this case, the similarity of business lines and trading style does not on its own establish the Respondent bad faith within the meaning of the Policy. Whether the Complainant could make any case of trademark infringement against the Respondent in a competent forum is a separate inquiry outside the scope of this proceeding.

The Panel finds the third element of the Policy has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Andrew D. S. Lothian/

Andrew D. S. Lothian

Sole Panelist

Date: December 18, 2024