

ADMINISTRATIVE PANEL DECISION

SUSE, LLC v. Ali Raza

Case No. D2024-4572

1. The Parties

The Complainant is SUSE, LLC, United States of America (“United States”), represented by Chestek Legal, United States.

The Respondent is Ali Raza, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <rancherdesktop.com> (the “Domain Name”) is registered with Cosmotown, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 6, 2024. On November 7, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On November 9, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on November 11, 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 12, 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 November 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 5, 2024. The Respondent sent an email communication to the Center on November 14, 2024.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on December 16, 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant runs a website at “www.rancherdesktop.io” that offers “Rancher Desktop”; an Electron-based application that wraps other tools while providing a simple user experience.

The Complainant owns trademark registrations for RANCHER in computer software and computer operating programs, for example, United States trademark no. 5039863 (registered on September 13, 2016). The Complainant has registered the domain name <rancherdesktop.io> from which it runs its official webpage.

The Domain Name appears to be registered on February 1, 2024. The Complainant documents that the Domain Name has resolved to a website nearly identical to the Complainant’s website. The Respondent’s website mimics the Complainant’s website, including uses the Complainant’s trademarks. At the time of drafting the Decision, the Domain Name resolves to an error page.

5. Parties’ Contentions

A. Complainant

The Complainant provides evidence of trademark registrations and argues that the Domain Name is confusingly similar to the Complainant’s trademark as the Respondent has combined the Complainant’s trademark RANCHER with the generic term “desktop”.

The Complainant argues that the Respondent is not commonly known by the Domain Name, and, to the Complainant’s knowledge, the Complainant is the only business who enjoys intellectual property rights to the RANCHER trademark in connection with computer software. The Respondent’s use of the Domain Name is not a good faith use that may lead to a legitimate interest in the Domain Name. The Respondent’s aim in registering the Domain Name was to exploit the RANCHER trademark and pass off as the Complainant.

The Complainant believes the Respondent’s use and registration of the Domain Name can only be viewed as in bad faith. Moreover, redirecting a domain name to complainant’s website constitutes evidence that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with Complainant’s website.

B. Respondent

The Respondent did not formally reply to the Complainant’s contentions, but sent on November 14, 2024, an e-mail in which the Respondent claimed inter alia that “the website was created with the sole purpose of assisting others by sharing accessible software solutions. Any resemblance to other entities is purely coincidental, as the site exists to meet a specific informational need within the community”.

6. Discussion and Findings

A. Identical or Confusingly Similar

The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the Domain Name. Where a domain name incorporates the entirety of a trademark, the domain name will normally be considered confusingly similar to that mark for purposes of

UDRP standing. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 1.7.

The Complainant has established that it has trademark rights in RANCHER. The Domain Name incorporates the Complainant’s trademark with the addition of “desktop”. The addition does not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), section 1.8. For the purpose of assessing the confusing similarity under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain (“gTLD”) “.com”. See [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. See [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a case that the Respondent lacks rights or legitimate interests in the Domain Name. The Respondent has not rebutted the Complainant’s showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name. The Respondent’s claims of use in good faith, in particular that any “resemblance to other entities is purely coincidental”, are not documented or credible.

The Panel finds that 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.

The composition and use of the Domain Name, as well as the lack of a credible explanation as to why the Respondent registered the Domain Name, are all clear indications that the Respondent knew of the Complainant when the Respondent registered the Domain Name, and evidence of the Domain Name was registered to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s website.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy.

The third element of the Policy has been established.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders the Domain Name <rancherdesktop.com> transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: December 20, 2024