

ADMINISTRATIVE PANEL DECISION

Teradata US, Inc. v. Abdul Samim
Case No. DAI2024-0029

1. The Parties

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

Respondent is Abdul Samim, United States.

2. The Domain Name and Registrar

The disputed domain name <teradata.ai> is registered with Key-Systems GmbH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 29, 2024. On April 3, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 5, 2024, the Registrar transmitted by email to the Center its verification response confirming that 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 Respondent of the Complaint, and the proceedings commenced on April 12, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 2, 2024. The Response was filed with the Center on April 28, 2024.

The Center appointed Frederick M. Abbott as the sole panelist in this matter on May 13, 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

Complainant Teradata US, Inc., is a corporation organized under the laws of the State of Delaware, United States. It is a wholly-owned subsidiary of Teradata Corporation, a United States-based software company with securities publicly traded on the New York Stock Exchange (ticker symbol: TDC). Complainant and its parent are referred to collectively in this decision as Complainant. Complainant has been a publicly traded corporation since 2007.

Complainant provides cloud database and analytics related software products and services primarily directed toward the financial services sector. As of 2024, Complainant has a market capitalization of over USD 3.5 billion. Complainant operates a commercial website at the domain name <teradata.com>. Its website is frequently visited by Internet users. Complainant is ranked as a leading software service provider to the financial services industry.

Complainant is owner of registrations for the trademark TERADATA on the Principal Register of the United States Patent and Trademark Office (“USPTO”), including registration number 1461689, registration dated October 20, 1987, in international class (IC) 9, covering “data processing system comprising multiple interconnected relational data base processors”, and; registration number 3551700, registration data December 23, 2008, in IC 9, covering computer hardware and software as further specified. Complainant also is owner of registration for the trademark TERADATA at the European Union Intellectual Property Office (“EUIPO”), registration number 016517641, registration dated July 31, 2017, in ICs 9, 35, 37, 41, and 42, covering, inter alia, scientific instrumentation and IT and computer services. Complainant is the owner of additional trademark registrations for TERADATA in other jurisdictions.

According to the Registrar’s verification, Respondent is registrant of the disputed domain name. Respondent indicates that it registered the disputed domain name on February 19, 2020. There is no indication on the record of this proceeding that any party other than Respondent has owned or controlled the disputed domain name since its initial date of registration.

There is no indication that Respondent has used the disputed domain name in connection with an active website other than a parking page. The disputed domain name has been listed for sale through a domain name broker, “saw.com”. Visitors to the broker are invited to make an offer. By email of January 30, 2024, Complainant transmitted a cease-and-desist and transfer demand to Respondent. Respondent replied on March 1, 2024, with an offer to sell the disputed domain name to Complainant for a price of USD 500,000, stating, inter alia, “[t]his price reflects not just the market value of a highly desirable domain but also the potential it holds for your client’s branding and online presence”. Respondent subsequently reduced its asking price to USD 26,000.

There is no indication on the record of this proceeding of any commercial or other relationship between Complainant and Respondent.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Complainant alleges that it owns rights in the trademark TERADATA and that the disputed domain name is identical to its trademark.

Complainant contends that Respondent lacks rights or legitimate interests in the disputed domain name because: (1) Respondent has not been authorized in any way by Complainant to make use of its trademark in the disputed domain name or otherwise; (2) Respondent is not commonly known by the disputed domain

name; (3) Respondent registered the disputed domain name substantially following Complainant's acquisition of goodwill and reputation in its trademark such that it is highly unlikely that Respondent was unaware of Complainant's trademark rights when it registered the disputed domain name; (4) Respondent cannot claim nominative fair use of the disputed domain name which has no ordinary meaning other than in connection with Complainant; (5) Respondent's offering of the disputed domain name for sale does not establish rights or legitimate interests, and; (6) Respondent's initial direction of the disputed domain to a parking page did not establish rights or legitimate interests.

Complainant argues that Respondent registered and is using the disputed domain name in bad faith because: (1) Respondent must have been aware of Complainant and its trademark when it registered the disputed domain name; (2) Respondent's offer to sell the disputed domain name to Complainant for sums substantially in excess of its out of pocket expenses associated with the disputed domain name evidences bad faith; (3) bad faith can be established even in circumstances where Respondent has not associated the disputed domain name with an active website, and; (4) it is more likely than not that Respondent knew of and targeted Complainant's trademark when it registered and used the disputed domain name.

Complainant requests the Panel to direct the Registrar to transfer the disputed domain name to Complainant.

B. Respondent

Respondent contends that Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name. Respondent alleges that it has rights or legitimate interests in the disputed domain name because it registered the disputed domain name based on a combination of the term "tera" denoting "your" or "thine" in Hindi, combined with the term "data", to mean "your data". Respondent asserts that it registered the disputed domain name with the intention to empower consumers as custodians of their own data through providing firsthand insights into the impact of AI on consumers and businesses, driven by legitimate concerns for consumer privacy and data protection.

Respondent does not provide any concrete evidence of preparations to use the disputed domain name for the aforesaid purposes beyond assertion.

Respondent consents to the remedy requested by Complainant.

6. Discussion and Findings

It is essential to Policy proceedings that fundamental due process requirements be met. Such requirements include that a respondent have notice of proceedings that may substantially affect its rights. The Policy and the Rules establish procedures intended to ensure that respondents are given adequate notice of proceedings commenced against them and a reasonable opportunity to respond (see, e.g., Rules, paragraph 2(a)).

The Center formally notified the Complaint to Respondent at the email and physical addresses provided in its record of registration. Courier delivery of the Complaint to Respondent was successful and Respondent filed a Response. The Center took those steps prescribed by the Policy and the Rules to provide notice to Respondent, and those steps are presumed to satisfy notice requirements.

Paragraph 4(a) of the Policy sets forth three elements that must be established by a complainant to merit a finding that a respondent has engaged in abusive domain name registration and use and to obtain relief. These elements are that:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which complainant has rights;

(ii) 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.

Each of the aforesaid three elements must be proved by a complainant to warrant relief.

The Panel notes that according to the *pro-forma* response filed by Respondent in this proceeding, Respondent has seemingly consented to the relief requested by Complainant, though Respondent's consent leaves out explicit mention of agreeing to the "transfer" of the disputed domain name and the Panel notes that the *pro-forma* response explicitly disclaims Respondent's bad faith. In that regard, the Panel might dispense with a finding of facts and proceed to confirming the remedy as apparently agreed by Respondent. The Panel will nonetheless briefly state its factual and legal conclusions for the sake of certainty.

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 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.

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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 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 respondent lacks rights or legitimate interests, the burden of production on this element shifts to respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on complainant). If respondent fails to come forward with such relevant evidence, complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

Although Respondent contended that it registered the disputed domain name for purposes of addressing certain policy concerns with respect to use of artificial intelligence, consumer interests, and data protection, Respondent provided no concrete evidence of such use or preparations to use. Regardless of whether such use or preparations of use might have established rights or legitimate interests in the factual circumstances of this case, mere unsupported assertion is insufficient to establish rights or legitimate interests. See, e.g., *Helen Fielding v. Anthony Corbert aka Anthony Corbett*, WIPO Case No. [D2000-1000](#).

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 Respondent registered and used the disputed domain name substantially after Complainant acquired rights in its trademark and used it extensively in commerce. It is highly unlikely that Respondent was unaware of Complainant and its trademark when it registered the disputed domain name.

Respondent listed the disputed domain name for sale. In response to a cease-and-desist and transfer demand from Complainant, Respondent offered to sell the disputed domain name to Complainant for USD 500,000. This evidences that Respondent registered the disputed domain name with the intention to sell it to Complainant or a competitor at a price substantially in excess of its out of pocket expenses associated with the disputed domain name, in contravention of paragraph 4(b)(i) of the Policy.

The Panel finds that Complainant has established the third element of the Policy.

The Panel reiterates that Respondent has consented to the remedy requested by Complainant, and that the foregoing findings of fact and legal conclusions are for the avoidance of doubt.

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, <teradata.ai>, be transferred to Complainant.

/Frederick M. Abbott/

Frederick M. Abbott

Sole Panelist

Date: May 27, 2024