

## **ADMINISTRATIVE PANEL DECISION**

Pi Community Company v. olivia lee

Case No. D2023-2191

### **1. The Parties**

The Complainant is Pi Community Company, Cayman Islands, represented by Coblenz Patch Duffy & Bass LLP, United States of America (“U.S.”).

The Respondent is olivia lee, Nigeria.

### **2. The Domain Name and Registrar**

The disputed domain name <pinetworkblockchain.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 19, 2023. On May 19, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same date, 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 service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 24, 2023, 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 May 26, 2023.

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 June 6, 2023. In accordance with the Rules, paragraph 5, the due date for Response was June 26, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 4, 2023.

The Center appointed Knud Wallberg as the sole panelist in this matter on July 20, 2023. 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 launched a cryptocurrency project on March 14, 2019, under the name PI NETWORK. The Complainant's digital currency is called "PI", and "PI Network" is the community of members that engage with the PI cryptocurrency. Consumers can mine the PI cryptocurrency on their mobile phones.

The Complainant owns U.S. Trademark Applications No. 97886955 for the mark PI, filed on April 13, 2023; No. 97762884 for the PI Logo in color, filed on January 20, 2023; and No. 97762898 for the PI Logo in black and white, filed on January 20, 2023, all for goods and services in classes 9, 36, and 42.

The Complainant uses the domain name <minepi.com> for a website where the Complainant offers its cryptocurrency services since December 3, 2018.

The disputed domain name <pinetworkblockchain.com> was registered on February 14, 2023, and resolves to a website which offered cryptocurrency services that are identical to the Complainant's offerings, and which contains material from a prior version of the Complainant's website, including an image with the PI Network Logo.

#### **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 the Complainant's PI NETWORK and PI marks since it contains these marks in their entirety.

The Complainant claims it has rights for PI NETWORK and PI marks since at least as early as 2018, and that the Complainant has established trademark rights in these marks in connection with cryptocurrency services.

The Complainant further contends that it is equally clear that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not using the disputed domain name in connection with a *bona fide* offering of goods or services and is not making any legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the PI NETWORK and PI marks.

The Complainant finally contends that the disputed domain name was registered and is being used in bad faith. The Respondent uses the disputed domain name to promote cryptocurrency services that are identical to the Complainant's cryptocurrency services, which is an attempt to capitalize on the Complainant's well-known PI NETWORK Mark and to profit from the likelihood of confusion created by use of the disputed domain name.

##### **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 applied for registration of PI and PI logo marks, but none of these marks are registered at this point in time. However, based on the available record, the Panel finds the Complainant has established unregistered trademark and service mark rights to PI and PI NETWORK for the purposes of the Policy. See *Pi Community Company v. Nguyen Van Vuong*, WIPO Case No. [D2022-3538](#) and the [WIPO Overview 3.0](#), section 1.3.

The Panel finds the marks PI and PI NETWORK are 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.

While the addition of other terms here, "blockchain", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 name. The Respondent has not rebutted the Complainant's *prima facie* showing and has not come forward with any evidence demonstrating rights or legitimate interests in the disputed domain name. Rather on the contrary, the Respondent uses the disputed domain name to direct Internet users to its website where it displays the Complainant's logo and purports to offer cryptocurrency services that are identical to the Complainant's cryptocurrency services.

UDRP panels have held that the use of a domain name for activities such as impersonation, or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Based on the available record, 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.

Given the circumstances of the case, in particular the Complainant's well established and well-known trademarks PI and PI NETWORK in the field of cryptocurrency and their exact replication in the disputed domain name, the Panel finds that the Respondent registered the disputed domain name with prior knowledge of the Complainant and the Complainant's trademarks.

The Panel therefore finds that the disputed domain name was registered in bad faith.

The disputed domain name is used for a website that purports to offer cryptocurrency services that are identical to the Complainant's cryptocurrency services, and on which the Complainant's logo is displayed. The website also contains textual elements that are copied from earlier versions of the Complainant's website.

The Panel therefore finds that the Respondent intentionally attempts to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of the Respondent's website (see [WIPO Overview 3.0](#), section 3.1.4)

Based on the available record, the Panel thus finds that also 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 that the disputed domain name <pinetworkblockchain.com> be transferred to the Complainant.

*/Knud Wallberg/*

**Knud Wallberg**

Sole Panelist

Date: August 21, 2023