

ADMINISTRATIVE PANEL DECISION

ZipRecruiter, Inc. v. Carolina Rodrigues, Fundacion Comercio Electronico
Case No. D2024-0434

1. The Parties

The Complainant is ZipRecruiter, Inc., United States of America (“United States”), represented by SafeNames Ltd., United Kingdom.

The Respondent is Carolina Rodrigues, Fundacion Comercio Electronico, Panama.

2. The Domain Name and Registrar

The disputed domain name <ziprecruitem.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 30, 2024. On January 31, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 31, 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 (Registration Private Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 3, 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 a Complaint on February 6, 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 February 7, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 27, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 29, 2024.

The Center appointed Christian Pirker as the sole panelist in this matter on March 19, 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, ZipRecruiter, Inc., is an American online recruitment company, founded in 2010, providing services for both individuals and commercial entities. The Complainant's online platform at "www.ziprecruiter.com" allows employers to post jobs and manage applications and job seekers to search for and receive alerts regarding the latest job posts.

The Complainant has provided evidence of trademark registrations for ZIPRECRUITER such as the United States trademark registration no. 3934310, registered on March 22, 2011, the European Union trademark registration no. 015070873, registered on June 13, 2016, and the Canadian trademark registration no. TMA979480, registered on August 28, 2017.

The Complainant owns and runs also numerous domain names comprising its trademark, inter alia, <ziprecruiter.com> (registered on February 2010), <ziprecruiter.co.uk> (registered on September 2010), <ziprecruiter.co.nz> (registered on May 2015), <ziprecruiter.fr> (registered on January 2016) and <ziprecruiter.us> (registered on August 2018).

The Respondent is reportedly located in Panama.

The disputed domain name was registered on September 19, 2023 and is used to display pay-per-click ("PPC") advertisement links that redirect users to services competing with the Complainant's services.

5. Parties' Contentions

A. Complainant

The Complainant alleges that it is a well-known American online recruitment company, providing services for both individuals and commercial entities, attracting more than seven million active job seekers and 10,000 new companies each month, and has over 40 million job alert email subscribers. The Complainant explains that it primarily operates from "www.ziprecruiter.com" which received an average of more than 35 million visits per month between October and December 2023.

The Complainant alleges that the Respondent previously and currently uses the disputed domain name to display PPC advertisement links that redirect users to websites to third-party websites and websites that offer services competitive to the Complainant.

The Complainant considers the disputed domain name to be confusingly similar to its trademarks for which it claims to have rights. The Complainant further alleges that the Respondent has no right or legitimate interest in the disputed domain name, that the Respondent is not known, nor has ever been genuinely known by the term "Ziprecruiter" nor "ziprecruiter" or anything similar, that the Respondent is not making a legitimate non-commercial or fair use of the disputed domain name and that the Respondent has no affiliation with the Complainant. Finally, Complainant alleges that Respondent registered and is using the disputed domain name 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.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

It is a consensus view among Panelist that a domain name which contains a common or obvious misspelling of a trademark normally will be found to be confusingly similar to such trademark, where the misspelled trademark remains the dominant or principal component of the domain name (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition "[WIPO Overview 3.0](#)" (section 1.9)).

The Panel notes that the trademark in its entirety is reproduced within the disputed domain name, with only a minor distinction, adding the single letter "n" within the trademark, and that the trademark remains the principal component of the disputed domain name.

Accordingly, and based on the available record, the Panel finds that the disputed domain name is confusing similar to the trademark and that 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.

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.

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.

It seems clear to the Panel that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademark, particularly considering the reputation of the Complainant's mark and since the trademark is included in its entirety with only the addition of a letter.

Moreover, it appears that the Respondent has been involved in numerous cybersquatting UDRP cases, including a case against the Complainant it-self also for typosquatting.

Accordingly, these evidences prove that it is unlikely that the Respondent was not aware of the Complainant's trademark, most likely knew it had no right or legitimate interest in the disputed domain name, when registering the disputed domain name.

The disputed domain name resolved, to a parking website which contained websites links in the field of recruitment and job seekers which redirect users to competitors of the Complainant, that likely provided income to the Respondent depending on the number of hits that were generated on the disputed domain name, on a pay-per-click basis. As such, the Panel considers that the Respondent has intentionally registered in order to attempt to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of its website, which is evidence of bath faith registration and use.

In view of the above-mentioned facts, the Panel concludes that the Respondent's primary motive in relation to the registration and use of the disputed domain name was to capitalize on, or otherwise take advantage of, the Complainant's trademark rights, by creating a likelihood of confusion with the Complainant's mark with the intent to unlawfully profit therefrom (see *Arla Foods Amba v. Michael Guthrie, M. Guthrie Building Solutions*, WIPO Case No. [D2016-2213](#)). The failure of the Respondent to submit a response, the use of a privacy registration service in combination with apparently incomplete contact information to such service or a continued concealment of the "true" or "underlying" registrant and the numerous other cases in which the Respondent has been involved confirms the finding of an evidence of bad faith [WIPO Overview 3.0](#), section 3.9.

Based on the available record, 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 <ziprecruitem.com> be transferred to the Complainant.

/Christian Pirker/

Christian Pirker

Sole Panelist

Date: April 2, 2024