

Dear All,

Here are 3 example URS determinations that seem very troubling from the public information available. As I pointed out on the call last week, the recommendations from the WG subgroups fail to prevent what seem to be very problematic determinations occurring. I hope all working group members will agree this situation in the absence of further facts is totally unacceptable and those leading the working group will take the necessary action to ensure the initial report will include recommendations to ensure nothing like this will be allowed to happen again.

Yours sincerely,

Paul.

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|---|---|
| <b>cfa.club</b>   | Creation date <b>July 17, 2017</b>      |
| Registrar   | www.eachnic.com                         |
| Complainant submitted   | September 19, 2019                      |
| Commencement  | October 7, 2019                         |
| Default Date  | October 22, 2019                        |
| <b>Domain Suspended</b>   | October 25, 2019                        |
| Examiner  | Flip Jan Claude Petillion               |
| <a href="https://www.adrforum.com/DomainDecisions/1862966D.htm">https://www.adrforum.com/DomainDecisions/1862966D.htm</a> |   |
| Claimant  | CFA Institute of Charlottesville        |
| Represented   | DLA Piper LLP (US) of Washington        |
| Respondent  | Hao Ming of Beijing, International, CN. |

Rationale

*The Complainant holds that the Respondent is attempting to disrupt the business of a competitor but provides no proof that the Respondent is one of its competitors. However, the passive holding of a domain name can constitute bad faith registration and use, especially when combined with other factors such as the respondent preventing a trademark or service mark holder from reflecting its mark in a corresponding domain name, the failure of the respondent to respond to the complaint, inconceivable good faith use, etc. (See e.g., Telstra Corporation Limited, Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003; Myer Stores Limited v. Mr. David John Singh, WIPO Case No. D2001-0763; Liu.Jo S.p.A. v. Martina Hamsikova, WIPO Case No. D2013-1261). In the present case, Respondent is passively holding the disputed domain name as it does not resolve to any active website.*

*It is inconceivable to the Examiner that Respondent was unaware of Complainant and its trademark rights when it registered the disputed domain name which is identical to Complainant's CFA registered trademark. Given the well-known character of Complainant's CFA trademark, Respondent must have had Complainant's trademark in mind when registering the disputed domain name. This is further supported by the fact that the Respondent registered the disputed domain name under the new gTLD ".CLUB", which increases confusion as the Complainant's members can be considered as being part of a club. Moreover, Examiner finds that, given the well-known character of the*

*Complainant's CFA trademark, it is difficult to imagine any future good faith use of the disputed domain name by Respondent.*

*Respondent did not file any response to contest the above. Therefore, Examiner finds that the third element for Complainant to obtain the suspension of a domain name under URS 1.2.6.3 has been proven*

**cfa.community** Creation date **September 24, 2019**  
Registrar domains.google.com  
Complainant Submitted October 8, 2019  
Commencement October 8, 2019  
Default Date October 23, 2019  
**Domain Suspended** October 23, 2019  
Examiner Dawn Osborne

<https://www.adrforum.com/DomainDecisions/1862966D.htm>

Claimant CFA Institute of Charlottesville  
Represented DLA Piper LLP (US) of Washington  
Respondent Contact Privacy Inc. Customer 1245526592 of Toronto, ON, CA  
Rationale

**Effectively blank – just a repeat of the URS rules Not even mention of what was being claimed**

**cfa.plus** Creation date **September 25, 2019**  
Registrar [www.west.cn](http://www.west.cn)  
Complainant Submitted October 16, 2019  
Commencement October 17, 2019  
Response Date October 29, 2019  
**Domain Suspended** October 29, 2019  
Examiner David L. Kreider

<https://www.adrforum.com/DomainDecisions/1866970F.htm>

Claimant CFA Institute of Charlottesville  
Represented DLA Piper LLP (US) of Washington  
Respondent Peng Cheng Li of He Nan, International, CN  
Rationale

*"The Respondent submits in support of his Response a certificate of qualification issued to the Respondent, Peng Cheng Li (李鹏程), by the China Commodities Association and dated November 2012, along with a business license dated 23 September 2019, pertaining to a Shanghai-based information technology company. Respondent's said certificates each bear the legend: "For use as evidence in the CFA Institute's <cfa.plus> litigation only".*

*Respondent concedes that he "had made no formal use of the domain name" by the time he received notice of the commencement of these URS proceedings on October 17, 2019. Significantly, moreover, the Panel notes the complete absence of evidence to show demonstrable preparations to use the Disputed Domain*

*Name, or a name corresponding to the domain name, in connection with any bona fide offering of goods or services.*

*The Panel concludes that the Registrant intentionally sought to disrupt the business of a competitor or use the <cfa.plus> domain name to attract for commercial gain, Internet users to Registrant's web site or other on-line location, by creating a likelihood of confusion with the Complainant's CFA Mark, as to the source, sponsorship, affiliation, or endorsement of Registrant's product or service on that web site or location, or both.*

|                        |   |
|------------------------|---|
| <b>cfa.business</b>    | Creation date August 28, 2019   |
| Registrar              | <a href="http://www.godaddy.com">www.godaddy.com</a>  |
| Complainant Submitted  | October 16, 2019  |
| Commencement           | October 17, 2019  |
| Default Date           | November 1, 2019  |
| <b>Domain Returned</b> | November 1, 2019  |
| Examiner               | Richard W. Hill   |
|                        | <a href="https://www.adrforum.com/DomainDecisions/1866971D.htm">https://www.adrforum.com/DomainDecisions/1866971D.htm</a> |
| Claimant               | CFA Institute of Charlottesville  |
| Represented            | DLA Piper LLP (US) of Washington  |
| Respondent             | Domains By Proxy, LLC / DomainsByProxy.com of Scottsdale, AZ, US  |

*Rationale*  
*"Complainant states: "By creating confusion through its registration of a domain name wholly comprised of CFA Marks, Respondent is attempting to disrupt the business of a competitor, which is evidence of bad faith registration." Complainant provides evidence showing that the disputed domain name is not being used. Since the standard of review in URS proceedings is "clear and convincing", and Complainant does not explain why failure to use the disputed domain name could constitute bad faith use, the Panel finds that Complainant has not satisfied its burden of proof for this element."*