

Decision for dispute CAC-UDRP-108681

Case number CAC-UDRP-108681

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Domain names dreamapply.online

Case administrator

Organization Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization DreamApply OÜ

Respondent

Name Khansa Pathways

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the following DREAMAPPLY trademark registrations:

- DREAMAPPLY (word), EUTM registration No. 015349079, registered on 5 August 2016, for goods and services in classes 9, 16, 35, 36, 41 and 42;

- DREAMAPPLY (word), UK comparable registration No. UK00915349079, registered on 5 August 2016, for goods and services in classes 9, 16, 35, 36, 41 and 42.

FACTUAL BACKGROUND

The Complainant is an Estonian company, owner of the trademark DREAMAPPLY, which is used internationally in connection with a software-as-a-service solution for higher education institutions. In particular, the DREAMAPPLY software is used by educational institutions to receive and process applications, supporting documents, and application fees from prospective students.

The disputed domain name was registered on May 22, 2026, allegedly by a citizen of Pakistan, and resolves to the Registrar's parking page.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

In particular, the Complainant contends that the disputed domain name is identical to the Complainant's DREAMAPPLY mark.

The Complainant further contends that the Respondent lacks rights or legitimate interest in the disputed domain name.

The Respondent is not affiliated with the Complainant, and the Complainant has never licensed, authorized, or otherwise permitted the Respondent to use the DREAMAPPLY mark or to register a domain name incorporating such mark. There is no evidence that the Respondent has been commonly known by the disputed domain name.

The Complainant affirms to have continuously operated under the DREAMAPPLY name and mark since well before the registration of the disputed domain name and to be recognized within the international higher education technology sector. The Complainant operates the website at www.dreamapply.com, through which it offers its services to clients worldwide. Prospective students applying to the Complainant's client universities access DREAMAPPLY branded application portals via subdomains and customized URLs associated with the Complainant's <dreamapply.com> domain name and the websites of the relevant institutions.

The disputed domain name does not resolve to an active website offering bona fide goods or services. According to the Complainant, the mere registration of a domain name incorporating a third party's distinctive trademark, coupled with passive holding, does not in itself confer any rights or legitimate interests in the disputed domain name. Accordingly, the Respondent has made no demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services, nor has it made any legitimate noncommercial or fair use of the disputed domain name.

Finally, the Complainant contends that the very nature of the disputed domain name gives rise to a high risk of implied affiliation. As the disputed domain name is identical to the Complainant's distinctive mark, differing only by the generic Top-Level Domain ("gTLD") ".online" from the domain name already operated by the Complainant under the ".com" gTLD, Internet users would inevitably assume that the disputed domain name is operated, endorsed by, or otherwise affiliated with the Complainant.

This risk is further heightened by the choice of the ".online" gTLD, which is a natural descriptor for Internet-delivered software services and directly reflects the Complainant's business.

In such circumstances, the disputed domain name cannot constitute fair use, as it effectively impersonates the Complainant.

As far as the registration and use of the disputed domain name in bad faith are concerned, the Complainant maintains that its DREAMAPPLY mark consists of a coined and invented term with no dictionary meaning and is therefore inherently distinctive. The Complainant's mark is registered in the EU and the UK since well before the registration of the disputed domain name. The Complainant has an online presence at <www.dreamapply.com>, and enjoys reputation in the higher-education technology sector. For all these reasons, it is inconceivable that the Respondent registered an identical domain name by mere coincidence. The only plausible explanation is that the Respondent was aware of the Complainant's mark at the time of registration of the disputed domain name and registered it to trade upon the Complainant's mark. The choice of the ".online" gTLD further reinforces this inference, as it is a natural descriptor of Internet-delivered services and directly reflects the Complainant's business.

The passive holding of the disputed domain name does not preclude a finding of bad faith. The Respondent has made no demonstrable preparations to use the disputed domain name for a bona fide purpose, and there is no evidence whatsoever of any legitimate plan to commence such use. Furthermore, due to the identical reproduction of the Complainant's mark and the selection of the ".online" gTLD, any active use of the disputed domain name would inevitably create a false impression of association with, sponsorship by, or endorsement from the Complainant. Accordingly, no plausible good-faith use of the disputed domain name can be conceived.

According to the Complainant, the risk of harmful use is not merely theoretical in the present case, as the Complainant's DREAMAPPLY platform is used by universities and other higher education institutions to process application fee payments. Prospective students are accustomed to interacting with DREAMAPPLY branded application portals, through which they submit sensitive information and personal data and make online payments. As the disputed domain name is identical to the Complainant's mark and official domain name, save for the adoption of the ".online" gTLD, it is particularly well-suited to be used as a vehicle for phishing, the fraudulent collection of application fees and tuition deposits, and email-based fraud.

Finally, the Complainant points out that the Respondent's identity has been fully redacted, leaving no publicly available information that would enable the Respondent to be identified or contacted. Considering the overall circumstances of this case, this factor should be regarded as a further element supporting a finding that the disputed domain name was registered and is being used in bad faith.

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

I. Identity

The Panel finds that the disputed domain name is identical to the Complainant's DREAMAPPLY mark. Here, the Complainant's trademark is fully incorporated in the disputed domain name without further addition or variation. The applicable Top Level Domain ("TLD") of the disputed domain name ".online" is a standard registration requirement and as such is disregarded under the first element confusing similarity test. Section 1.11.1 of WIPO Panel Views on Selected UDRP Questions (the "WIPO Overview 3.1.").

Accordingly, the first requirement under the Policy is met.

II. Lack of Rights or Legitimate Interests

As also confirmed by section 2.1 of the WIPO Overview 3.1, a complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests. Once such prima facie case is made, the burden of production shifts to the respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such appropriate allegations or evidence, a complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the UDRP.

Based on the available evidence, the Respondent does not appear to be known by the disputed domain name. The Respondent is not an affiliate or licensee of the Complainant, nor was authorised by the Complainant to make use the DREAMAPPLY mark in any manner, including as part of the disputed domain name.

The disputed domain name resolves to a parking page of the Registrar. Accordingly, the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, and there are no demonstrable preparations to use it in this way.

The very nature of the disputed domain name, which is identical to the DREAMAPPLY mark, carries a high risk of implied affiliation. Moreover, the fact that the Respondent has selected the gTLD ".online", that is strictly associated with the Complainant's activity under its mark, tends to support a finding that the Respondent obtained the disputed domain name to take advantage of the Complainant's mark, and as such that the Respondent lacks rights or legitimate interests in the domain name.

For all the aforementioned reasons, the Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent did not rebut the Complainant's arguments with appropriate allegations or evidence demonstrating its rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds that the second element of the Policy is met.

III. Bad Faith

The Complainant's allegations to support the Respondent's bad faith in the registration and use of the disputed domain name are essentially the following:

- the DREAMAPPLY mark is a fanciful and coined term and is therefore inherently distinctive;
- the Complainant has an online presence at www.dreamapply.com, and enjoys a reputation in the higher-education technology sector;
- the disputed domain name is identical to the Complainant's mark and the selected gTLD, ".online", is strictly connected to the Complainant's activities;
- it is therefore inconceivable that the Respondent registered the disputed domain name by mere coincidence;
- the disputed domain name has never been actively used by the Respondent since its registration, which demonstrates a clear lack

of any good-faith intention. Moreover, passive holding of the disputed domain name cannot prevent a finding of registration and use in bad faith;

- the fact that the disputed domain name is identical to the Complainant's mark and incorporates a gTLD strictly related to the Complainant's activities under that mark demonstrates that the disputed domain name creates a false impression of association with, sponsorship by, or endorsement from the Complainant; accordingly, no plausible good-faith use of the disputed domain name can be conceived;

- the risk of harmful use is not merely theoretical in the present case, as the disputed domain name is particularly well suited to be used as a vehicle for phishing, the fraudulent collection of application fees and tuition deposits, and email-based fraud; and

- the Respondent's identity has been fully redacted, which, in light of the overall circumstances of the case, is a further indication of the Respondent's bad faith.

The Panel notes that the disputed domain name is identical to the Complainant's trademark and has been registered under the ".online" gTLD, which is closely related to the activities carried out through the Complainant's DREAMAPPLY software. This circumstance may support the inference that the Respondent was aware of the Complainant and its trademark at the time of the registration of the disputed domain name and chose to register it to target the Complainant's mark.

According to the doctrine of passive holding, factors that have been considered relevant include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's taking active steps to conceal its identity or (iv) the use of false or inaccurate contact details (noted to be in breach of the respondent's registration agreement).

As far as the distinctiveness of the Complainant's mark is concerned, the Panel notes that DREAMAPPLY is composed of two common English terms, namely "dream" and "apply." The term "apply" describes the function of the Complainant's software, namely enabling users to submit applications to higher education institutions. The term "dream" may be perceived as evoking the fulfilment of student's aspirations when enrolling in such an institution in order to build his or her future. In addition, the Panel notes that the Complainant did not submit any evidence sufficient to establish that DREAMAPPLY is a renowned trademark among the relevant public. The Panel recalls that the burden of proof rests with the Complainant, and that conclusory statements unsupported by evidence will normally be insufficient to establish a party's case. Accordingly, taking into account the above circumstances, the Panel considers that the Complainant's mark possesses a normal degree of distinctive character.

Moreover, the Respondent does not appear to have taken active steps to conceal its identity at the time of the registration of the disputed domain name. There is nothing in the Whois record or elsewhere to indicate that the Respondent employed a proxy service or a privacy shield to avoid disclosure of its identity to the Complainant. On the contrary, it appears that the Respondent's information has been redacted by the Registrar in compliance with the privacy protection regulations.

Therefore, among the various factors typically considered under the passive holding doctrine, only the Respondent's failure to submit a response or provide evidence of actual or contemplated good-faith use of the disputed domain name is present. However, in the Panel's view, this circumstance alone is insufficient to support a finding of bad faith use, particularly considering that the Complainant filed the present UDRP Complaint only three days after the registration of the disputed domain name. This period is too short for the Panel to conclude that the Respondent's failure to provide evidence of actual or contemplated good-faith use of the disputed domain name is determinative.

The Panel must therefore consider whether there are additional circumstances supporting a finding of bad faith. In this respect, the Panel, again notes that the disputed domain name is identical to the Complainant's trademark and has been registered under the ".online" gTLD. The choice of this gTLD is particularly significant, as it corresponds to the online environment in which the Complainant conducts its business. The Panel has already found that it is more likely than not that the Respondent registered the disputed domain name to target the Complainant's mark. In light of the foregoing, even the passive holding of the disputed domain name should be considered in bad faith. Indeed, there appears to be no possible plausible legitimate or good-faith use of the disputed domain name by the Respondent. Moreover, considering that the Complainant uses its DREAMAPPLY mark and domain name <dreamapply.com> to collect and process application fees and tuition deposits, the disputed domain name is particularly suitable for phishing or other fraudulent activities.

In light of the foregoing, the Panel concludes that the third and last requirement under the Policy is also met.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. dreamapply.online: Transferred

PANELLISTS

Name **Angelica Lodigiani**

DATE OF PANEL DECISION **2026-07-06**

Publish the Decision
