

**.ie Alternative Dispute Resolution  
NETNEUTRALS DISPUTE RESOLUTION SERVICE**

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**Decision of Independent Specialist**

**Case Number: 650**

**1. The Parties:**

<b>Complainant:</b>	<b>Daft Media Limited</b>
<b>Respondent:</b>	<b>Rentola Ireland ApS</b>

**2. The Domain Name(s):**

<b>renthero.ie</b>	<b>(“the Domain Name”)</b>
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**3. Procedural History:**

I can confirm that I am independent of each of the parties. To the best of my knowledge and belief, there are no facts or circumstances, past or present, or that could arise in the foreseeable future that need be disclosed as they might be of such a nature as to call in to question my independence in the eyes of one or both of the parties.

The procedural history is as follows:

<b>Action</b>	<b>Comment / date</b>
<b>Dispute received</b>	17 <sup>th</sup> August 2022
<b>Complaint validated</b>	16 <sup>th</sup> August 2022
<b>Notification of complaint sent to Complainant</b>	18 <sup>th</sup> August 2022
<b>Notification of complaint sent to Respondent</b>	18 <sup>th</sup> August 2022
<b>Phone calls to respondent</b>	20 <sup>th</sup> September 2022 – Response request 30 <sup>th</sup> September 2022 – Forum extension
<b>Forum Opened</b>	22 <sup>nd</sup> August 2022
<b>Complaint Form received</b>	1 <sup>st</sup> September 2022
<b>Response received</b>	22 <sup>nd</sup> September 2022
<b>Forum Closed</b>	14 <sup>th</sup> October 2022
<b>Adjudication Started</b>	17 <sup>th</sup> October 2022
<b>Adjudication Decision Posted</b>	24 <sup>th</sup> October 2022
<b>Specialist Decision published</b>	24 <sup>th</sup> October 2022

#### **4. Factual Background**

The Complainant, Daft Media Limited, is a private company limited by shares, incorporated in Ireland. The Complainant operates various property-related websites in Ireland aimed at the Irish market, including daft.ie, rent.ie, let.ie, and property.ie.

The Respondent, Rentola Ireland ApS is Danish registered company and a wholly owned subsidiary of Reva Media ApS, a Danish registered company, and owner of the Rentola group. The Respondent operates property websites in as many as 30 countries, including renthero.ie, which is aimed at the Irish market.

The Respondent's parent company, Reva Media ApS and the Complainant are party to a similar and related complaint within in the .ie ADR policy procedure, Case no 651 ("rentola.ie") which has also been referred to me for specialist decision, which I have provided separately.

#### **5. Parties' Contentions**

##### **Complaint**

A summary of the Complaint is as follows:

The Complainant contends that the Respondent has engaged in persistent content scraping of the Complainant's platforms, in breach of the terms of use of the platforms, despite cease-and-desist notices, and in bad faith.

The Complainant further contends that the domain name, renthero.ie, is used by the Respondent in a way which has confused people into thinking that the domain name is connected with the Complainant.

The Complainant further contends that the registration of the domain name renthero.ie, along with the registration of the domain name rentola.ie, indicates a pattern of activity or registration that includes trade-marks or well-known names which the Respondent has no connection with.

The Complainant also contends that the Respondent has no connection with the Island of Ireland, being a Danish company.

The Complainant *concedes* nevertheless that the Respondent has the right to register the domain name renthero.ie in Ireland.

The Complainant contends however that the domain is being used by the Respondent abusively and or in bad faith.

**.ie Alternative Dispute Resolution**  
**NETNEUTRALS DISPUTE RESOLUTION SERVICE**

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The Complainant contends that the Respondent has acted in a way which is in breach of the Respondents' contractual obligations as Registrant (as stated in the Registrant Terms and Conditions).

The Complainant seeks cancellation of the domain name.

### **Response**

A summary of the Response is as follows:

The Respondent contends that it has the right to use its globally recognized brand and domain name in Ireland, and that the registration of the domain name renthero.ie was made in good faith.

The Respondent contends that it has invested heavily in advertising and developing its brand in the Irish marketplace.

The Respondent contends that there is no confusion or likelihood between the renthero.ie name and the Complainant's domain rent.ie.

The Respondent contends that the Complainant has failed to show any rights to the domain name renthero.ie.

The Respondent contends that the Complainant has initiated these proceedings to stop a competitor from its legitimate business in the marketplace.

The Respondent contends that its purpose in operating its websites is to provide an aggregate market to paying users.

The Respondent acknowledges that there were unforeseen circumstances in the Irish market when it first began operation, but further contends that since the very first request it has cooperated with the Complainant's request and made sure that its scripts never touched websites associated with Daft Media Limited again.

The Respondent denies any bad faith use of the domain name.

**.ie Alternative Dispute Resolution  
NETNEUTRALS DISPUTE RESOLUTION SERVICE**

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## 6. Discussions and Findings

The burden of proving a complaint under the ADRP is on the Complainant.

Matters to be proved:

### Complaint Submission

The Complainant has proved in accordance with .ie ADR Policy that...

	<ul style="list-style-type: none"><li>the Complainant would ordinarily be eligible to register the domain name in question if it was not already registered by the Registrant. This means that the complainant must prove its identity and it must prove that it has a substantive connection with the island of Ireland. If the complainant has other .ie domains registered in their own name this requirement is satisfied automatically; and</li></ul>
	<ul style="list-style-type: none"><li>the Complainant has rights in the domain name or in marks or identifiers very similar to it, or that the Complainant's rights have been negatively impacted by the registration, and</li></ul>
	<ul style="list-style-type: none"><li>the registration of the domain should be revoked as it has been registered or used abusively or in bad faith.</li></ul>

### General

	<ul style="list-style-type: none"><li>the Complainant would ordinarily be eligible to register the domain name in question if it was not already registered by the Registrant, and</li><li>the Complainant has rights in the domain name or in marks or identifiers very similar to it, or that the Complainant's rights have been negatively impacted by the registration, and</li><li>the registration of the domain should be revoked as it has been registered or used abusively or in bad faith.</li></ul>
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### Complainant's Rights

The meaning of "Rights" is defined in the .ie ADR Policy as follows:

	<ul style="list-style-type: none"><li>the Complainant has rights in the domain name, or in marks or identifiers very similar to it (sufficiently close to the domain that there would be a strong likelihood of confusion), or that the Complainant's rights have been negatively impacted by the registration. Any legal right or entitlement can be considered, including but not limited to:</li></ul>
	<ul style="list-style-type: none"><li>Trade and service marks protected in the island of Ireland, or</li></ul>
	<ul style="list-style-type: none"><li>Personal names (including pseudonyms) by which the Complainant is commonly known or has acquired a reputation in on the island of Ireland, or</li></ul>
	<ul style="list-style-type: none"><li>Geographical indications that can prima facie be protected in the island of Ireland,</li></ul>
	<ul style="list-style-type: none"><li>Unregistered rights acquired through use; and the registration of the domain should be revoked as it has been registered or used abusively or in bad faith.</li></ul>

## .ie Alternative Dispute Resolution NETNEUTRALS DISPUTE RESOLUTION SERVICE

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### *Complainant Rights Negatively Impacted*

The Complainant rights are negatively impacted by the domain registration or use as shown by:

	<ul style="list-style-type: none"><li>• The domain name registration or use is misleading or confusing to its customers, or</li></ul>
	<ul style="list-style-type: none"><li>• The domain name registration or use is commercially damaging to its business through activities such as passing-off, content scraping or impersonation, or</li></ul>
	<ul style="list-style-type: none"><li>• The domain name is being used to circulate defamatory material relating to the Complainant, or</li></ul>
	<ul style="list-style-type: none"><li>• The domain name is being used for the purpose of making unauthorised use of material in which the Complainant has a copyright or another protected interest</li></ul>

### *Domain Used or Registered Abusively or in Bad Faith*

.ie ADR Policy defines “Abusively Registered” as:

**Abusively registered** refers to a Domain Name which was registered or used to take unfair advantage of or was unfairly detrimental to the Complainant's Rights;

The domain has been registered or is being used Abusively or in Bad Faith by the Registrant as evidenced by:

	<ul style="list-style-type: none"><li>• The domain name was registered or is being used with the primary purpose of selling or renting it specifically to the Complainant (or a competitor) for more than the Registrant paid for it, or</li></ul>
	<ul style="list-style-type: none"><li>• The domain name was registered or is being used with the primary purpose of preventing the Complainant registering a name or mark in which the Complainant has rights, or</li></ul>
	<ul style="list-style-type: none"><li>• The domain name was registered or is being used with the primary purpose of unfairly disrupting or interfering with the Complainant’s business, or</li></ul>
	<ul style="list-style-type: none"><li>• The domain name is being used in a way that is likely to confuse people or businesses into believing that it is registered to, operated or authorised by, or otherwise connected with the Complainant, or</li></ul>
	<ul style="list-style-type: none"><li>• The domain name was registered or is being used for an unlawful purpose (e.g. it is engaging in suspected fraudulent activity, engaging in other criminal/illegal online activity), or</li></ul>
	<ul style="list-style-type: none"><li>• The domain name is registered to a company which currently has a dissolved company trading status, or</li></ul>
	<ul style="list-style-type: none"><li>• The domain name is being used to facilitate the circulation of defamatory or racist material, or</li></ul>
	<ul style="list-style-type: none"><li>• The domain name is registered to a Registrant which does not have (and never had) a connection to the island of Ireland, or</li></ul>

**.ie Alternative Dispute Resolution  
NETNEUTRALS DISPUTE RESOLUTION SERVICE**

	<ul style="list-style-type: none"><li>• The domain name was registered as a result of a relationship between the Complainant and the Registrant, and the Complainant<ul style="list-style-type: none"><li>a) has been using the Domain Name registration exclusively; and</li><li>b) paid for the registration and/or renewal of the Domain Name registration; or</li></ul></li></ul>
	<ul style="list-style-type: none"><li>• Failure by the Registrant to use the Domain Name for the purposes of email or a web site, the Registrant offering a domain name for sale, or use of domain parking services that may include advertising related to the keyword content of the domain name are not of themselves evidence of abuse or bad faith, however the Specialist may consider these issues in combination with other factors when deciding a case.</li></ul>

**The Complainant has established:**

The Complainant has established that, as an existing .ie domain registrant, it would ordinarily be eligible to register the domain name in question. Having done so it is entitled to invoke the .ie ADR policy and to initiate this procedure.

The Complainant has established that the Respondent has, on more than one occasion, published, on the renthero.ie platform, material which almost certainly originated on the Complainant's platforms.

The complainant has established that this activity has continued subsequent to an exchange and acknowledgment of cease-and-desist correspondence.

The Complainant has also established that some of its customers or advertisers have been confused as to whether the Complainant has a connection with the platforms operated by the Respondent given the repetition of content.

The Complainant has further established that there has been some customer concern or dissatisfaction at this repetition of sometimes out of date information.

**.ie Alternative Dispute Resolution  
NETNEUTRALS DISPUTE RESOLUTION SERVICE**

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**Domain Holder Response**

**Showing that a Registration is not Abusive or in Bad Faith**

The Registrant may provide information to counter any statements within the complaint and can submit its own evidence to show that its registration and/or use of the domain is not unreasonable, including but not limited to demonstrating any of the factors below:

	<ul style="list-style-type: none"><li>• The Registrant has established rights in the domain name, or in marks or identifiers very similar to the domain name including but not limited to:</li></ul>
	<ul style="list-style-type: none"><li>○ Trade and service marks protected in the island of Ireland, or</li></ul>
	<ul style="list-style-type: none"><li>○ Personal names (including pseudonyms) by which the Complainant is commonly known or has acquired a reputation in on the island of Ireland, or</li></ul>
	<ul style="list-style-type: none"><li>○ Unregistered rights acquired through use.</li></ul>
	<ul style="list-style-type: none"><li>• Prior to any notice of the dispute, the Registrant used the domain name or a name reasonably corresponding to the Domain Name in connection with a bona fide offering of goods or services or made demonstrable preparations for such use, or</li></ul>
	<ul style="list-style-type: none"><li>• The Registrant (as an individual, business, or other organization) has been commonly known by the domain name or similar name, even in the absence of a registered trademark, or</li></ul>
	<ul style="list-style-type: none"><li>• The domain name is generic or descriptive and the Registrant is making fair use of it, or</li></ul>
	<ul style="list-style-type: none"><li>• The domain name is being used solely for tribute or criticism, or</li></ul>
	<ul style="list-style-type: none"><li>• The domain name contains or references the Complainant’s mark but the Registrant is making fair use of it.</li></ul>

**The Registrant has established:**

The Respondent registrant has established that it has rights in the domain name.

**I therefore readily conclude:**

I conclude that the complaint fails.

The Complainant’s core contention is that the Respondent, though entitled to register and use the domain name in good faith, has been using the domain in bad faith by reusing, directly or indirectly, content which originated on the Complainant’s platforms, without permission, and in alleged breach of copyright or other intellectual property or legal rights.

**.ie Alternative Dispute Resolution  
NETNEUTRALS DISPUTE RESOLUTION SERVICE**

**Burden of Proof / Benefit of Doubt.**

These proceedings are brought under the .ie Alternative Dispute Resolution Policy (hereafter referred to as the "ARDP").

Paragraph 2 of the ADRP provides that:

"When submitting a complaint under the ADRP, the burden of proof is on the Complainant. This means that the Complainant needs to provide evidence that it meets the complaint submission criteria."

It further provides:

"In the implementation of this Alternative Dispute Resolution Policy, the Registrant shall be given the benefit of the doubt, particularly in circumstances which require decisions based on the balance of probabilities."

The Complainant has invoked the Specialist Decision Process provided in Paragraph 3.3. of the ADRP. This is a procedure which requires decisions based on the balance of probabilities.

The burden onus of proof thus lies on the Complainant in these proceedings; the benefit of the doubt rests with the Respondent.

**Required Proofs**

Paragraph 3.2.2 of the ADRP requires the Complainant to assert and prove:

- the Complainant would ordinarily be eligible to register the domain name in question if it was not already registered by the Registrant, and
- the Complainant has rights in the domain name or in marks or identifiers very similar to it, or that the Complainant's rights have been negatively impacted by the registration, and
- the registration of the domain should be revoked as it has been registered or used abusively or in bad faith.

**Eligibility**

The Complainant has established its eligibility as required in the first bullet point of paragraph 3.2.2 of the ADRP by proving its connection with Ireland, in that the Complainant is already a .ie domain registrant.



**.ie Alternative Dispute Resolution**  
**NETNEUTRALS DISPUTE RESOLUTION SERVICE**

**Rights**

The complainant is required under the second bullet point of paragraph 3.2.2. of the ADRP to prove “that it has rights in the domain name or in marks or identifiers very similar to it, or that the Complainant’s rights have been negatively impacted by the registration.”

“Rights” in are defined in Paragraph 1 of the ADRP as meaning “any legal or other enforceable right, including but not limited to: Trade and service marks protected in the island of Ireland, or Personal names (including pseudonyms) by which the Complainant is commonly known or has acquired a reputation in on the island of Ireland, or Geographical indications that can prima facie be protected in the island of Ireland, or Unregistered rights acquired through use.”

It is of note that the first part of the sentence at the second bullet point of paragraph 3.2.2. relates to “rights in the domain name” whereas the second part of that sentence refers just to the Complainant’s “rights” being negatively impacted. Applying the definition of "rights" appearing above, this could be understood to refer to any legal or other enforceable right of the Complainant being negatively impacted, not just those in the domain name.

This distinction is of particular significance in the instant case, since the Complainant does not assert or establish that it has rights in the domain name; rather it asserts that its broader rights have been negatively impacted by the way in which the Respondent has been using the domain name. The rights the Complainant relies upon are its rights, if any, under its Terms of Use as published on its own websites, its Copyright in the content of its website, and the GDPR rights of its advertisers.

A literal interpretation of the definition of “rights” in paragraph 1 of the ADRP – i.e. “Any legal or other enforceable right” might include the rights the which Complainant complains have been negatively impacted in this case. However, if that was the intent and purpose of the framers of the ADRP it would not have been necessary for them to provide the examples which follow (Trade and service marks, personal names, geographical indications etc.). Having regard to those words, and the general purpose and intent of the ADRP, I conclude that the “rights” envisaged in the second part of the second bullet point at paragraph 3.2.2 are only rights in the nature of identity rights, and not all rights in general.

Since the Complainant has not asserted or proved any negative impact to its identity rights, I hold that the Complainant has failed to meet the requirements of the second bullet of paragraph 3.2.2 and I decide accordingly that the complaint must fail.

**.ie Alternative Dispute Resolution**  
**NETNEUTRALS DISPUTE RESOLUTION SERVICE**

**Negative Impact**

Further, and in any event, even if the Complainant had succeeded in proving that it had rights envisaged by the paragraph 3.2.2 of the ADRP, I find that the Complainant has not succeeded in proving that its rights have been negatively impacted.

Paragraph 4.1.B.(ii) of the ADRP provides guidance on the proof of negative impact. It provides:

“A Complainant may submit a complaint if it can show its rights are negatively impacted by the domain registration or use. It can do this by showing:

- The domain name registration or use is misleading or confusing to its customers, or
- The domain name registration or use is commercially damaging to its business through activities such as passing-off, content scraping or impersonation, or
- The domain name is being used to circulate defamatory material relating to the Complainant, or
- The domain name is being used for the purpose of making unauthorised use of material in which the Complainant has a copyright or another protected interest”

As to the first of these classes of negative impact (misleading or confusing registration or use), I am not persuaded that customers of rent.ie are confused into believing that renthero.ie is connected with the Complainant by the mere fact that the word “rent” is common to both domains. The Complainant has proved that it has received queries from advertisers as to whether there is a connection between it and the websites operated by the Respondent that might enable out of date content on the Respondent’s sites to be removed by the Complainant, but I am not persuaded that this type of confusion is sufficient scale as to constitute negative impact; moreover, I am not persuaded that users of the Respondent’s website are confused into thinking that all of the advertisements emanate from the Complainant, even when they encounter content bearing the Complainant’s watermark. I am satisfied at any rate from evidence supplied by the Respondent that there is sufficient distinction and information in the Respondent’s site(s) for users to determine that they are not dealing with the Complainant.

As to the second class of negative impact (commercial damage to business through activities such as passing-off, content scraping or impersonation), I have not been supplied with any evidence of passing-off or impersonation. I have been supplied by the Complainant with considerable evidence of content scraping, and indeed the Respondent acknowledges that its *modus operandi* is to content scrape multiple websites, its business model being that of aggregating scraped information into a single place in purported ease its customers and indirectly the customers of the operators of the scraped websites.

**.ie Alternative Dispute Resolution**  
**NETNEUTRALS DISPUTE RESOLUTION SERVICE**

There is argument from the Complainant that the Respondent's business does not actually deliver such benefits, but this forum is not the place to decide that.

There is no doubt that the Respondent is engaged in content scraping.

Content scraping, however, is not an inherently illegal or unlawful practice, and I cannot accept that the intent or purpose of the ADRP is to outlaw content scraping *per se*. In other words, proof of content scraping alone is not proof of negative impact. The words "content scraping" are used in the ADRP only in the context of passing-off and impersonation, and I therefore understand the ADRP to be referring to content scraping which occurs in the context of passing-off or impersonation; for example, where a registrant scrapes content from another in order to pass its offerings off as being those of that other; or pretends to be another by presenting content it has scraped from that other; *then* the content scraping is of the kind envisaged by the ADRP. This interpretation I believe to be consistent with the nature and purpose of the ADRP, which is designed to protect a person's interests associated with a name or identity. I do not find that the Registrant has been content scraping in such a context.

Moreover, in order for the content scraping to be regarded as having a negative impact under paragraph 4.1.B.(ii) of the ADRP it must be shown to give rise to commercial damage. The Complainant has not provided proof of any specific commercial damage resulting from passing off, content scraping, or impersonation – no proof of any actual commercial loss has been supplied. The onus of proof is on the Complainant here, and it is not within my power, nor would not be fair of me, to infer or presume such loss without proof. Indeed, I would have some difficulty doing so at any rate when the Complainant's customers are landlords while the Respondent's customers are prospective Tenants. I do understand that there might be an argument that the Respondent's practices are driving landlords away from the Complainant or are causing the Complainant to engage in expenditure; but the Complainant has not supplied any such proof, and the benefit of the doubt lies with the Respondent.

As to the third class of negative impact - the circulation of defamatory material relating to the Complainant - this is not alleged.

As to the fourth class of negative impact (use of the domain name for the purpose of making unauthorised use of material in which the Complainant has a copyright or another protected interest) the Complainant *has* demonstrated that the Respondent has used material originating from the Complainant's websites. I am satisfied that such use has occurred without the permission of the Complainant, and I am satisfied that such unpermitted use constitutes at face value a breach of Complainant's Terms of Use as publicised on its websites. Term 27 of those terms asserts copyright over the content of

**.ie Alternative Dispute Resolution**  
**NETNEUTRALS DISPUTE RESOLUTION SERVICE**

the websites and further prohibits reuse of the content without the Complainant's permission. It further prohibits scraping, mirroring or framing of the websites.

The Respondent has acknowledged that this use occurred and has apologised for it and asserts that it has taken down the material so acquired and has directed its scripts to not scrape the Complainant's content again. The extent to which content bearing the Complainant's watermark has subsequently been republished on the Respondent's sites may certainly justify one in doubting the sincerity of the apology and the reality of the purported change in practice. But in these proceedings the benefit of doubt lies with the Respondent, not the Complainant. The Respondent asserts that any further content bearing the Complainant's watermark must have emanated from third party sites scraped by the Respondent, and the Complainant has not succeeded in proving to the contrary.

The Complainant has proved beyond any doubt in my mind that the Respondent's websites contain photos bearing the Complainant's logo and name. This is at face value material in which the Complainant or the Complainant's customers possess copyright. I am satisfied that the Respondent has allowed material in which the Complainant has an apparent copyright or protected interest to be published on its websites, or is at the very least unsuccessful in preventing such material from being published on its websites, and in either case that the Respondent has no authority or permission from the Complainant for such use. There is another forum – the Courts - in which the Complainant can argue more fully, more appropriately, and more fairly for relief to protect any interests it may have in its material; the ADRP is neither designed nor intended for that, and it would be an abuse of process to use it so.

I am not persuaded, at any rate, that the publication of unauthorised material is the *purpose* of the Respondent's use of the domain name, which is what the Complainant is required to prove by paragraph 4.1.B.(ii) of the ADRP. The Complainant has argued that the business model of the Respondent is to steal content and to repackage it for sale to vulnerable renters. These are serious allegations which the Complainant seeks to prove by relying on a news media article and by pointing to the appearance of watermarked photographs on the Respondent's websites. I agree that this evidence raises a doubt about the Respondent's purpose in using the domain names (though I do not give media articles much, if any, weight as evidence, since they constitute hearsay) – but again, the benefit of doubt does not lie with the Complainant, but with the Respondent. The Complainant further argues that the fact that the Respondent's parent company registered a related domain (renola.ie) is evidence of its desire to cause confusion and to obscure its allegedly wrongful purpose. I do not find that argument compelling.

The Respondent has provided evidence of its legitimate activity in a number of countries, including its long history in the property market in Scandinavia, and has raised a doubt to suggest that its true intentions and purpose are not to make unauthorised use of the

**.ie Alternative Dispute Resolution**  
**NETNEUTRALS DISPUTE RESOLUTION SERVICE**

Complainant's material. The Respondent has asserted that its purpose and aim is not to make use of unauthorised material, and in much of the correspondence between the parties it has concluded by expressing a desire to collaborate with the Complainant – which is, at face value, inconsistent with a having a purpose of making unauthorised use of the Complainant's material. The benefit of that doubt must go to the Respondent.

In conclusion, as regards negative impact, I find that the Complainant has not proved negative impact as required by the ADRP, and I decide accordingly that the complaint must fail.

**Bad Faith Use**

Further, and in any event, I find that the Complainant has not proved that the domain name has been registered or used in bad faith, as required by paragraph 3.2.2. of the ADRP.

Paragraph 4.1.C of the ADRP, so far as is relevant to the Complainant's case, provides the following guidance on what a complainant can prove to demonstrate bad faith:

- “• The domain name was registered or is being used with the primary purpose of unfairly disrupting or interfering with the Complainant's business, or
- The domain name is being used in a way that is likely to confuse people or businesses into believing that it is registered to, operated or authorised by, or otherwise connected with the Complainant, or
- The domain name was registered or is being used for an unlawful purpose (e.g. it is engaging in suspected fraudulent activity, engaging in other criminal/illegal online activity) ...”.

As to the first bullet point in this list, the Complainant did not argue, and I do not find, that the domain name was registered or is being used with the primary purpose of unfairly disrupting or interfering with the Complainant's business. I am satisfied that the Respondent's primary purpose and business is to provide an aggregated market website.

As to the second bullet point in this list, I do not find that the domain name is being used in a way that is likely to confuse people or businesses into believing that it is registered, operated, or authorised by or otherwise connected with the Complainant. I am satisfied that there have been cases of confusion in the minds of some advertisers as regards content on the Respondent's website, and I am satisfied that there has been repeated replication on the Respondent's website of images bearing the Complainant's watermark. On balance, however, I am not persuaded that users would be regularly confused by this use of the domain name into believing that there was a connection with the Complainant

**.ie Alternative Dispute Resolution  
NETNEUTRALS DISPUTE RESOLUTION SERVICE**

to the domain name, and I find that there is sufficient indication to the contrary on the Respondent's websites.

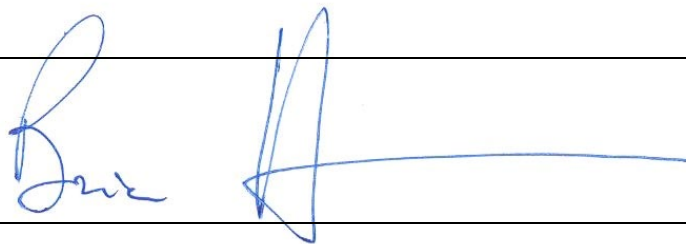
As to the third bullet point, I find that the Complainant has not established that the Respondent has used the domain name for an unlawful purpose such as suspected fraudulent activity, engaging in other criminal / illegal online activity. The Complainant has not supplied evidence of suspected fraud or criminal or illegal online activity in this case. The Complainant's core complaints have been with regard to content scraping which is not of itself a criminal or illegal activity in Ireland. Whilst content scraping in particular circumstances may possibly give rise to civil liability for breach of contract or copyright in narrow circumstances, as was noted above the Respondent has raised a doubt as to whether the material it replicated was taken from third party sources, and must be given the benefit of the doubt as regards its good faith in the use of the website in the absence of compelling evidence to the contrary.

I find thus that the Complainant has failed to prove bad faith on the part of the Respondent in the use of the domain name as required by paragraph 3.2.2 of the ADRP, and I decide therefore that the complaint must fail.

## 7. Decision

The Complaint fails.

Signed:



Dated: 24 October 2022.