

## **ADMINISTRATIVE PANEL DECISION**

Equifax Inc. v. Aditya Roshni, Web Services Pty  
Case No. D2022-1259

### **1. The Parties**

The Complainant is Equifax Inc., United States of America (“U.S.”), represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, U.S.

The Respondent is Aditya Roshni, Web Services Pty, India.

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

The disputed domain name <eqiofax.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 April 8, 2022. On April 11, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. Also on April 11, 2022, 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 and contact information in the Complaint.

The Center sent an email communication to the Complainant on April 14, 2022, 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 amendment to the Complaint also on April 14, 2022.

The Center verified that the Complaint together with the amendment to the 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 April 20, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 10, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 12, 2022.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on May 24, 2022. 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 in this administrative proceeding is a leading global provider of information solutions and human resources business process outsourcing services for businesses, governments, and consumers.

The Complainant was originally incorporated under the laws of the State of Georgia (U.S.) in 1913, and its predecessor company dates back to 1899. The Complainant operates or has investments in 24 countries in North America, Central and South America, Europe and the Asia Pacific region. The Complainant is listed in Standard & Poor's (S&P) 500 Index, and its common stock is traded on the New York Stock Exchange (NYSE) under the symbol EFX. The Complainant employs approximately 11,000 people worldwide.

The Complainant is the registrant of the domain name <equifax.com>, which was created on February 21, 1995.

The Complainant has registered, *inter alia*, the following trademarks:

EQUIFAX (word), U.S. Trademark No. 1,027,544, registered on December 16, 1975 for services in class 36;

EQUIFAX (word), U.S. Trademark No. 1,045,574, registered on August 3, 1976 for services in class 35:

EQUIFAX (word), U.S. Trademark No. 1,644,585, registered on May 14, 1991 for services in classes 35, 36, and 42.

The disputed domain name was registered on December 4, 2005.

According to the evidence filed by the Complainant, the disputed domain name previously (April 8, 2022) redirected to a different domain name at "securysearhapps.com", that resolved to a website that displayed a message that encouraged users to install a "Chrome Extension", which changes a user's default search engine. The first part of the message stated "Before you continue to equifax.com".

According to a screen capture made by the Center after the complaint was filed, the disputed domain name resolved to a news website that featured the message "This domain is for sale. Click here for more info".

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

The Complainant claims that:

- (a) the disputed domain name is confusingly similar to the Complainant's trademark;
- (b) the Respondent lacks any rights or legitimate rights in the disputed domain name; and
- (c) the Respondent has 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

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

### A. Identical or Confusingly Similar

The disputed domain name almost contains the EQUIFAX trademark in its entirety, simply omitting the letter “u” and adding the letter “o.” This Panel considers that the substitution of letters in the disputed domain name can be regarded as typosquatting. In any case, it is the Panel’s view that it does not prevent a finding of confusing similarity between the Complainant’s trademark and the disputed domain name. The Complainant’s trademark is in fact still clearly recognizable.

WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.9 states: “A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element.”

Furthermore, the applicable Top Level Domain (“TLD”) “.com” is viewed as a standard registration requirement and as such may be disregarded under the first element confusing similarity test.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

### B. Rights or Legitimate Interests

This Panel finds that the Complainant has made a *prima facie* case that the Respondent does not have rights or legitimate interests in the disputed domain name. The Respondent does not appear to be commonly known by the name “eqiofax” or by any similar name. The Respondent has no connection to or affiliation with the Complainant and the Complainant has not licensed or otherwise authorized the Respondent to use or register any domain name incorporating the Complainant’s trademarks. The Respondent does not appear to make any legitimate noncommercial or fair use of the disputed domain name, nor any use in connection with a *bona fide* offering of goods or services. Rather, the typosquatting nature of the disputed domain name reflects the intent of the Respondent to confuse and mislead Internet users unaware of the typographical variation as compared to the Complainant’s trademark and domain name <equifax.com>.

Additionally, the disputed domain name previously engaged in the redirection to a website purporting to offer a software extension before allegedly permitting the user’s access to the Complainant’s genuine website; the inevitable presumption being that a user will be downloading malicious malware via the confusion caused by the use of the Complainant’s trademark. The use to distribute malware has categorically been held to never confer rights or legitimate interests upon a respondent. See section 2.13 of the [WIPO Overview 3.0](#).

Moreover, the Respondent has not replied to the Complainant’s contentions to deny them and/or claim any rights or legitimate interests in the disputed domain name.

The Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

### C. Registered and Used in Bad Faith

The Panel, based on the evidence presented, accepts and agrees with the Complainant's contentions that the disputed domain name was registered and is being used in bad faith.

The disputed domain name was registered about 30 years after the Complainant's trademarks were first registered and about ten years after the Complainant's <equifax.com> domain name was registered.

Owing to the substantial presence established by the Complainant worldwide, it is at the least very unlikely that the Respondent was not aware of the existence of the Complainant's trademarks when registering the disputed domain name.

In addition, the fact that the disputed domain name redirected to a different domain name at <securysrchapps.com>, that resolved to a website that displayed the message "Before you continue to equifax.com", indicating the Complainant's <equifax.com> domain name, and not the disputed domain name <eqiofax.com>, is a clear indication that the Respondent is and was aware of the existence of the Complainant's trademark and domain name.

Therefore, it is more likely than not that the Respondent, when registering the disputed domain name, had knowledge of the Complainant's earlier rights to the EQUIFAX trademark.

The disputed domain name, at least for a certain period, has been used to redirect to a different domain name that resolved to a website where Internet users were encouraged to install a suspicious "Chrome Extension" which changes a user's default search engine. As found above, given that the use of the disputed domain name for *per se* illegitimate activity, such behaviour is manifestly considered evidence of bad faith. The use of the disputed domain name to resolve to parked page wherein it is offered for sale does not avoid a finding of bad faith, but reflects the Respondent's intent to profit from the resale of the disputed domain name as within the meaning of paragraph 4(b)(i) of the Policy.

The bad faith registration and use of the disputed domain name is also affirmed by the Respondent's pattern of conduct. In fact, as evidenced and documented by the Complainant, the Respondent has engaged in a clear pattern of registering domain names corresponding to trademarks held by third parties. See, e.g., *Bayerische Motoren Werke AG v. Aditya Roshni, Web Services Pty*, WIPO Case No. [D2015-1110](#); *F. Hoffmann-La Roche AG v. Domain Admin / Aditya Roshni/ Web Services Pty*, WIPO Case No. [D2007-1595](#).

Accordingly, the Panel finds, based on the evidence presented, that the Respondent registered and is using the disputed domain name in bad faith. Therefore, the Complainant has satisfied paragraph 4(a)(iii) 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, <eqiofax.com> be transferred to the Complainant.

*/Fabrizio Bedarida/*

**Fabrizio Bedarida**

Sole Panelist

Date: June 7, 2022