

ADMINISTRATIVE PANEL DECISION

Equifax Inc. v. Shu Lin
Case No. D2022-4142

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 Shu Lin, China.

2. The Domain Name and Registrar

The disputed domain name <equipfax.com> (the “Disputed Domain Name”) is registered with Above.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 2, 2022. On November 3, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On November 4, 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 November 4, 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 amended Complaint on November 6, 2022.

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 November 10, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 30, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 6, 2022.

The Center appointed Peter Wild as the sole panelist in this matter on December 15, 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 is owner of the well-known trademark EQUIFAX, which it uses in the U.S. and internationally. The Complainant is a provider of information solutions and human resources business process outsourcing services for businesses, governments, and consumers. These services include credit checks and reporting. Its business goes back to 1913 and it started using and registering the trademark EQUIFAX in 1975. The Complainant owns a large number of trademarks for EQUIFAX, e.g. U.S. Registration 1,027,544 (first used in commerce March 4, 1975; registered December 16, 1975).

The Disputed Domain Name was registered on March 7, 2010. At the time of writing this decision, the Disputed Domain Name resolves to a Pay-Per-Click (“PPC”) page, which includes links for services related to the Complainant’s services, including “Credit Scores”, “Instant Credit Check”, and “Credit Monitoring”.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it is the owner of a number of trademarks for the term “equifax” and that it has a strong reputation for the services under this trademark. It has a strong U.S. and international presence, also under the domain name “www.equifax.com”. The Complainant asserts that the Disputed Domain Name is confusingly similar to the above-mentioned EQUIFAX trademark and that its own services include “Credit Scores”, “Instant Credit Check”, and “Credit Monitoring”, all three being terms to which the PPC website under the Disputed Domain Name refers. The Complainant alleges that the Respondent has no rights or legitimate interests in the Disputed Domain Name, which was registered and used in bad faith. Finally, the Complainant refers to a number of previous UDR decisions where the well-known status of its trademark was confirmed.

In the amendment to the Complaint, filed after the identity of the Respondent had been revealed, the Complainant also claims that the Respondent is a serial cybersquatter who has lost multiple domain name dispute proceedings, including in at least one case initiated by the Complainant and relating to the same trademark at issue in this proceeding, that is, the EQUIFAX Trademark. *EquifaxInc. v. Shu Lin*, WIPO Case No. [D2022-1052](#) (transfer of <equifaxfax.com>).

B. Respondent

The Respondent did not reply to the Complainant’s contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant owns registered rights in the trademark EQUIFAX. The trademark is fully integrated in the Disputed Domain Name. The element EQUIFAX stands out in the Disputed Domain Name. There is just one element in the Disputed Domain Name, which differs from the Complainant’s trademark, namely the letter “p” is inserted between the “u” and the “i”, so that the Disputed Domain Name reads “equipfax”. 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. This stems from the fact that the domain name contains sufficiently recognizable aspects of the relevant mark....Examples of such typos include... the addition... of other terms or numbers.”

Under this rule, the Disputed Domain Name is clearly confusingly similar to the Respondent's trademark.

Therefore, the Panel is satisfied that the first element of the Policy is met.

B. Rights or Legitimate Interests

The Complainant must establish a *prima facie* case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. Once such *prima facie* case is made, the Respondent carries the burden of demonstrating its rights or legitimate interests in the Disputed Domain Name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the UDRP.

The Respondent is not commonly known under the Disputed Domain Name and claims no connection with or authorisation from the Complainant. The Respondent shows PPC activity under the website to which the Disputed Domain Name resolves. By using the Disputed Domain Name in connection with a PPC page that includes links for services related to the EQUIFAX Trademark, the Respondent cannot demonstrate its own rights or legitimate interests under paragraph 4(c)(i) of the Policy. See e.g. *MBI, Inc. v. Moniker Privacy Services/Nevis Domains LLC*, WIPO Case No. [D2006-0550](#). Such use is rather an indication of bad faith on the part of the Respondent.

In the absence of any explanation by the Respondent, the Complainant's establishment of the *prima facie* case is sufficient.

The Panel is satisfied that the second element of the Policy is met.

C. Registered and Used in Bad Faith

The Panel sees strong indication that the Disputed Domain Name has been registered in bad faith. "[T]he mere registration of a domain name that is identical or confusingly similar... to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith." [WIPO Overview 3.0](#), section 3.1.4. The EQUIFAX Trademark is famous and/or widely known, with many trademark registrations in at least 56 jurisdictions worldwide, going back 35 years before registration of the Disputed Domain Name. This has been confirmed by previous panels (*Equifax Inc. v. Super Privacy Service LTD c/o Dynadot / Babacan Gunduz*, WIPO Case No. [D2021-3814](#); *Equifax Inc. v. Domain Controller, Yoyo Email / Yoyo.Email Ltd.*, WIPO Case No. [D2015-0880](#); and *Equifax Inc. v. Balticsea LLC, Balcsea LLC*, WIPO Case No. [D2022-2497](#)).

It is implausible that the Respondent was unaware of the Complainant's trademark when he registered the Disputed Domain Name. The Panel is convinced that the Respondent was and is aware of the Complainant's famous trademark. In this Panel's view, this establishes bad faith registration of the Disputed Domain Name.

Using a well-known trademark in a domain name which is used for a PPC website will attract Internet users who are interested in the well-known trademark. This is especially so where the domain name is almost identical to the Complainant's trademark. This may, among other commercial benefits, generate traffic to the website the Disputed Domain Name resolves to. See e.g. *Columbia Pictures Industries, Inc. v. North West Enterprise, Inc.*, WIPO Case No. [D2006-0951](#). The use of the Complainant's trademark in the Disputed Domain Name must therefore be seen as the Respondent's intentional attempt to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location (paragraph 4(b)(iv) of the Policy). This establishes bad faith use of the Disputed Domain Name.

In support of the bad faith element, it must be noted that the Respondent has been hiding behind an anonymity screen and "engaged in a pattern of such conduct" pursuant to paragraph 4(b)(ii) of the Policy by registering not only the Disputed Domain Name but also at least one further domain name relating to the

Complainant's trademark EQUIFAX, namely "equipfax.com", see *Equipfax Inc. v. Shu Lin*, WIPO Case No. [D2022-1052](#), where the Panel had found bad faith and ordered transfer of this domain name. The Respondent has furthermore filed and subsequently lost in previous UDRP cases a significant amount of domain names, always following the same pattern. See e.g. *Andrey Ternovskiy dba Chatroulette v. Above.com Domain Privacy / Shu Lin*, WIPO Case No. [D2018-2713](#) (transfer of <chatroulette-deutsch.com>), *Volkswagen Group of America, Inc. v. Above.com Domain Privacy / Shu Lin*, WIPO Case No. [D2018-0432](#) (transfer of <audiiusa.com>).

With all the facts before the Panel, it comes to the conclusion that the third element of the Policy is met.

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 <equipfax.com> be transferred to the Complainant.

/Peter Wild/

Peter Wild

Sole Panelist

Date: December 27, 2022