

ADMINISTRATIVE PANEL DECISION

Equifax Inc. v. Jewella Privacy - 9770b, Jewella Privacy LLC Privacy ID# 841223 / Azeras LLC

Case No. D2022-2155

1. The Parties

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

The Respondent is Jewella Privacy - 9770b, Jewella Privacy LLC Privacy ID# 841223, United States / Azeras LLC, Saint Kitts and Nevis.

2. The Domain Name and Registrar

The disputed domain name <equifax.com> is registered with Sea Wasp, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 14, 2022. On June 14, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 15, 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 June 17, 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 on June 18, 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 June 20, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 10, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 11, 2022.

The Center appointed Leon Trakman as the sole panelist in this matter on July 14, 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 provides evidence of its ownership of over 200 trademark registrations globally, that consist of or include the word “equifax,” and provides a schedule of such registrations. These registrations include the following trademarks in the United States:

EQUIFAX: U.S. Reg. No. 1,027,544 (first used in commerce March 4, 1975; registered December 16, 1975);

EQUIFAX: U.S. Reg. No. 1,045,574 (first used in commerce March 4, 1975; registered August 3, 1976)

EQUIFAX: U.S. Reg. No. 1,644,585 (first used in commerce March 4, 1975; registered May 14, 1991)

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

The Complainant lodged a significant number of proceedings involving the registration and use of a disputed domain name in respect of which the Complainant has prevailed.

The disputed domain name was registered on November 13, 2008

The disputed domain name is used in connection with a pay-per-click (“PPC”) or monetized parking page that includes links for services related to the EQUIFAX Trademark including “Check Credit Reports,” “Credit Report Information”, and “Credit Scores.”

5. Parties’ Contentions

A. Complainant

The Complainant contends that:

The disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights, contrary to Policy, paragraph 4(a)(i); Rules, paragraphs 3(b)(viii), (b)(ix)(1))

The Respondent has no rights or legitimate interests in respect of the disputed domain name, contrary to Policy, paragraph 4(a)(ii); Rules, paragraph 3(b)(ix)(2)

The disputed domain name was registered and is being used in bad faith, contrary to Policy, paragraphs 4(a)(iii), 4(b); Rules, paragraph 3(b)(ix)(3))

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel determines that the disputed domain name is confusingly similar to the Complainant's trademark, contrary to the requirements specified in Policy, paragraph 4(a)(i); Rules, paragraphs 3(b)(viii), (b)(ix)(1).

The disputed domain name contains the Respondent's trademark in its entirety, with the following additions or changes. The disputed domain name adds a Top-Level Domain ".com". Such an addition "is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test." Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.11.1.

The disputed domain name includes the letter "a" in the middle of the name. Prior UDRP panels have repeatedly held that such alternations of letters do not negate a finding that the disputed domain name is confusingly similar to a complainant's trademark. See *e.g.*, *Oki Data Americas, Inc. v. Asdinc.com*, WIPO Case No. [D2001-0903](#); *PepsiCo, Inc. v. PEPSI, SRL (a/k/a P.E.P.S.I.) and EMS Computer Industry (a/k/a EMS)*, WIPO Case No. [D2003-0696](#).

Accordingly, the Panel holds that the disputed domain name is confusingly similar to the EQUIFAX Trademark.

B. Rights or Legitimate Interests

The Panel determines that the Respondent has no rights or legitimate interests in respect of the domain name, contrary to the requirements of Policy, paragraph 4(a)(ii); Rules, paragraph 3(b)(ix)(2).

The record demonstrates the absence of any evidence that the Respondent is known by the disputed domain name, or by any other similar name. Rather, the Whois record and information made available by the Registrar, identifies the registrant of the disputed domain name as "Jewella" or "Azeras" and not as "Equifax" or as any words similar to it. See *O2 Worldwide Limited v. Alireza Sarpoulaki*, WIPO Case No. [D2018-2629](#).

There is no evidence on record which establishes any relationship between the Complainant and the Respondent that would reasonably give rise to any license, permission, or authorization by which the Respondent could own or use the disputed domain name. See *Marriott International, Inc. v. Thomas, Burstein and Miller*, WIPO Case No. [D2000-0610](#).

Furthermore, the Complainant denies that it ever assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to register or use the EQUIFAX Trademark in any manner. Prior UDRP panels have held that such a finding is, in and of itself, sufficient to provide that the second criteria of the Policy has been satisfied. See *e.g.*, *Six Continents Hotels, Inc. v. IQ Management Corporation*, WIPO Case No. [D2004-0272](#).

The Panel determines therefore that the Respondent does not acquire any rights or legitimate interests in the disputed domain name that is confusingly similar to the Complainant's trademark (as was held in 6.A. above), for the purpose of providing commercial link services designed to lure Internet users and divert them to other commercial sites (as will be held in 6.C. below).

For UDRP decisions to similar effect, see *e.g.* *MBI, Inc. v. Moniker Privacy Services/Nevis Domains LLC*, WIPO Case No. [D2006-0550](#); *Western Union Holdings, Inc. v. Anna Valdieri*, WIPO Case No. [D2006-0884](#).

C. Registered and Used in Bad Faith

The Panel determines that the disputed domain name was registered and is being used in bad faith, contrary to the requirements of Policy, paragraphs 4(a)(iii), 4(b); Rules, paragraph 3(b)(ix)(3).

In support of this determination, there is strong evidence on record that the Respondent was both aware of and intentionally infringed the Complainant's name in registering the disputed domain name. That awareness is accentuated by the Complainant's widely known name, reputation, and operations internationally, as well as the Respondent's ensuing bad faith conduct in using that name for commercial gain and with manifest indifference to the harm that use would cause to the Complainant's business. See *Six Continents Hotels v. Lin hongyu, Cheng Qi Lin*, WIPO Case No. [D2017-2033](#).

The Respondent's awareness in registering the disputed domain name supports the further determination that the Respondent intended to interfere with the Complainant's long-standing business operations and reputation arising from the use of the disputed domain name. Even if the Respondent did not so intend with malice, he was at the least indifferent to the harm caused by doing so to the Complainant's integrity and reputation, at least among Internet users whom the Respondent misled into believing that he was, or was acting for, the Complainant. See e.g., *OSRAM GmbH v. Azarenko Vladimir Alexeevich, Azarenko Group Ltd*, WIPO Case No. [D2016-1384](#); *Volkswagen AG v. Fawzi Sood*, WIPO Case No. [D2015-1483](#).

The Respondent's registration and use of a domain name with PPC links directing Internet users to sponsored links for such commercial gain is ordinarily deemed to be in bad faith. See *Zions Bancorporation v. Domain Administrator, Fundacion Private Whois*, WIPO Case No. [D2014-0465](#). Indeed, it would be unreasonable to maintain that the Respondent was in good faith in not being reasonably aware of the monetized parking page associated with the disputed domain name. See [WIPO Overview 3.0](#), section 3.5. Prior UDRP panels have repeatedly held that, using a domain name in connection with a monetized parking page under circumstances comparable to the current case, constitutes bad faith. See e.g., *Columbia Pictures Industries, Inc. v. North West Enterprise, Inc.*, WIPO Case No. [D2006-0951](#).

It is also reasonable to determine that the Respondent's registration and use of the disputed domain name was intended, if not to disrupt the Complainant's business, to attract and direct Internet users to alternative websites to the Complainant's, for the Respondent's potential gain. See *Pancil, LLC v. Jucco Holdings*, WIPO Case No. [D2006-0676](#). That determination is supported by the likelihood that the Respondent was aware of the lengthy history during which the Complainant established its significant global presence and brand recognition under its trademark and more generally, through widespread awareness of its brand name.

In so registering and then using the disputed domain name in connection with a monetized parking page, the Respondent cannot reasonably be held to have satisfied the requirements set out in the Policy, paragraphs 4(a)(iii), 4(b) and the Rules, paragraph 3(b)(ix)(3).

Nor is it reasonable to determine that the Respondent's use constituted a legitimate, noncommercial, or fair use of the disputed domain name. See *Canyon Bicycles GmbH v. Domains By Proxy, LLC / Rob van Eck*, WIPO Case No. [D2014-0206](#).

Such bad faith affirms, while extending beyond the presumption of bad faith contained in [WIPO Overview 3.0](#), section 3.1.4, which provides that: "[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."

The Respondent's bad faith is evidenced in its use of the disputed domain name to induce Internet users to believe that it is owned, sponsored, or endorsed by, or otherwise affiliated with, the Complainant; and in directing users to alternative websites for the likely purpose of securing commercial gain. See *Wal-Mart Stores, Inc. v. Whois Privacy, Inc.*, WIPO Case No. [D2005-0850](#); *Western Union Holdings, Inc. v. Domain Drop S.A.*, Forum Claim No. 0971146

The Complainant filed this Complaint in 2022, even though the disputed domain name was registered in 2008. The Complainant's failure to provide a detailed reason for not proceeding earlier does not negate a finding of bad faith registration and use by the Respondent.

Accordingly, the Panel determines that the Respondent registered and used the disputed domain name in bad faith.

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 <equifax.com> be transferred to the Complainant.

/Leon Trakman/

Leon Trakman

Sole Panelist

Date: July 25, 2022