

ADMINISTRATIVE PANEL DECISION

Equifax Inc. v. Name Domain Administrator, WDAPL

Case No. D2022-4653

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 Name Domain Administrator, WDAPL, Netherlands Antilles, Netherlands.

2. The Domain Name and Registrar

The disputed domain name <eequifax.com> 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 December 5, 2022. On December 6, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 18, 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 December 19, 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 December 19, 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 December 20, 2022. In accordance with the Rules, paragraph 5, the due date for Response was January 9, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Commencement of Panel Appointment Process on January 10, 2023.

The Center appointed Kateryna Oliinyk as the sole panelist in this matter on January 18, 2023. 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 a 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 (United States) in 1913, and its predecessor company dates back to 1899.

Among its many services, the Complainant offers a credit reporting service that provides consumers with a summary of their credit history, and certain other information, reported to credit bureaus by lenders and creditors.

Headquartered in Atlanta, Georgia (United States), 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 a member of 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, and used in connection with its primary website.

The Complainant owns at least 221 trademark registrations in at least 56 jurisdictions around the world for an EQUIFAX series, which was first used in commerce and registered in 1975.

The Complainant's registrations of the EQUIFAX Mark include, *inter alia*:

- United States Trademark Registration No. 1,027,544 for EQUIFAX, registered on December 16, 1975, for services in International Class 36 "insurance risk information reporting services concerning potential policy holders", and first used in commerce March 4, 1975; and
- United States Trademark Registration No. 1,045,574 for EQUIFAX, registered on August 3, 1976, for services in International Class 35 "Conducting investigations and reporting on individuals and firms concerning credit, character and finances in connection with insurance, credit, employment and claims reporting services", and first used in commerce March 4, 1975.

The disputed domain name was created on September 9, 2002. The disputed domain name was used to redirect visitors to a website for TransUnion. At the time of the administrative proceedings, 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", "Credit Check", and "Credit Monitoring".

5. Parties' Contentions

A. Complainant

Identical or Confusingly Similar

The Complainant asserts registered rights in the EQUIFAX trademark. The Complainant submits that the disputed domain name is confusingly similar to the EQUIFAX trademark.

The Complainant contends that it has numerous registrations of the EQUIFAX trademark. The Complainant further contends that its EQUIFAX Mark is well-known.

The Complainant further contends that the disputed domain name contains the EQUIFAX trademark in its entirety, simply adding an extra letter "e" at the beginning. Still, according to the Complainant's contentions, the EQUIFAX trademark still remains clearly recognizable within the disputed domain name.

The Complainant submits that the applicable Top-Level Domain ("TLD") in the disputed domain name should be viewed as a standard registration requirement and as such should be disregarded under the first element confusing similarity test.

No rights or legitimate Interests

The Complainant submits that the disputed domain name was registered on September 9, 2002, 27 years after the Complainant first used and registered the EQUIFAX trademark in commerce and seven years after the Complainant registered the domain name <equifax.com>.

The Complainant claims that it has never assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to register or use the EQUIFAX trademark in any manner.

There is no evidence that the Respondent is known by the disputed domain name or owns any corresponding registered trademarks.

The Complainant further asserts that the Respondent is using the disputed domain name to redirect visitors to a website for TransUnion (which, like the Complainant, is one of the three major U.S. credit reporting agencies), and therefore a direct competitor of the Complainant. The Complainant further asserts that such activities are not *bona fide* sales of goods or services.

Thus, the Complainant claims that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Registered and used in bad faith

The Complainant submits that the disputed domain name was registered and is being used in bad faith.

The Complainant contends that the Respondent must have been aware of the Complainant and its said trademark when it registered the disputed domain name given the fame of the EQUIFAX trademark, and such conduct constitutes the opportunistic bad faith.

The Complainant further contends that redirecting the disputed domain name that is confusingly similar to the EQUIFAX trademark to redirect Internet users to a website for TransUnion, *i.e.* to the competitor's website, constitutes bad faith use of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.”

Considering that the Respondent did not reply to the Complainant's contentions, in order to determine whether the Complainant has met its burden as stated in paragraph 4(a) of the Policy, the Panel bases its Decision on the statements and documents submitted and in accordance with the Policy and the Rules. Under paragraph 14(b) of the Rules, where a Party does not comply with any provision of the Rules, the Panel “shall draw such inferences therefrom as it considers appropriate”.

Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following: (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and (iii) that the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

Under the first element, the Complainant must establish that the disputed domain name is identical with, or confusingly similar to, the Complainant's trademark rights.

There are two parts to this inquiry: the Complainant must demonstrate that it has rights in a trademark and, if so, the disputed domain name must be shown to be identical or confusingly similar to the trademark.

According to section 1.1.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), the term “trademark or service mark” as used in UDRP paragraph 4(a)(i) encompasses both registered and unregistered (sometimes referred to as common law) marks.

Ownership of a nationally or regionally registered trademark serves as a *prima facie* evidence that the Complainant has trademark rights for the purposes of standing to file this Complaint. See section 1.2 of [WIPO Overview 3.0](#). The Complainant submitted evidence that the EQUIFAX trademark enjoys protection under various national trademark registrations. Thus, the Panel finds that the Complainant's rights in the EQUIFAX trademark have been established pursuant to the first element of the Policy.

It is well established that domain names, which consist of common, obvious or intentional misspellings of trademarks are considered to be confusingly similar for the purposes of the first element of the Policy. [WIPO Overview 3.0](#), section 1.9 (“Examples of such typos include (i) adjacent keyboard letters, (ii) substitution of similar-appearing characters ... (iii) the use of different letters that appear similar in different fonts, (iv) the use of non-Latin internationalized or accented characters, (v) the inversion of letters and numbers, or (vi) the addition or interspersions of other terms or numbers”). See *e.g. Edmunds.com, Inc. v. Digi Real Estate Foundation*, WIPO Case No. [D2006-1043](#) (“This is clearly a ‘typosquatting’ case where the disputed domain name is a slight misspelling of a registered trademark to divert Internet traffic. In fact, the [...] domain name comprises the Complainant's trademark [...] with a single misspelling of an element of the mark: a double consonant ‘S’ at the end”).

The disputed domain name in this Complaint is a misspelling of the Complainant's EQUIFAX trademark, merely adding an “e” at the beginning of the trademark, which is reflected in the disputed domain name in its entirety. Accordingly, the Panel finds that the Complainant's EQUIFAX trademark is clearly recognizable

within the disputed domain name and the disputed domain name clearly constitutes an attempt at typosquatting, by the Respondent.

Under section 1.7 of the [WIPO Overview 3.0](#), while each case is judged on its own merits, in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing.

Finally, for the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain (“gTLD”), see section 1.11.1 of the [WIPO Overview 3.0](#).

It is the view of the Panel that it is readily apparent that the Complainant’s trademark remains recognizable in the disputed domain name.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the EQUIFAX trademark in which the Complainant has rights.

The first element of paragraph 4(a) of the Policy is therefore satisfied.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make at least a *prima facie* showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once a complainant makes such a *prima facie* showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

Based on the Complainant’s contentions, the Respondent is not a licensee of, or otherwise affiliated with, the Complainant, and has not been authorized by the Complainant to use its EQUIFAX trademark.

The Complainant further contends that the Respondent is not commonly known by the disputed domain name and has not made any *bona fide* use – neither commercial nor noncommercial, of the same.

Based on the case records, the Panel finds that there is no evidence that the Respondent has been commonly known by the disputed domain name, and there is no similarity or association between the name of the Respondent and the disputed domain name, which could demonstrate rights or legitimate interests of the Respondent. See, e.g., *World Natural Bodybuilding Federation, Inc. v. Daniel Jones TheDotCafe*, WIPO Case No. [D2008-0642](#).

There is no evidence of any actual or contemplated *bona fide* or legitimate use of the disputed domain name, and the Respondent shows no use of, or demonstrable preparations to use, the disputed domain name in connection with a *bona fide* offering of goods or services.

According to the records of the case, the disputed domain name was used to redirect Internet users to the competitor’s website, which act according to section 2.5.3. of the [WIPO Overview 3.0](#) would not support a claim to rights or legitimate interests. See, also, e.g. *Six Continents Hotels v. “m on”*, WIPO Case No. [D2012-2525](#); *The John Hopkins Health System Corporation, The John Hopkins University v. Domain Administrator*, WIPO Case No. [D2008-1958](#) (where disputed domain name is used “to re-direct Internet users to commercial websites that promote the goods of competitors in the same business as the Complainants... such action is not a *bona fide* offering of goods or services, nor is it a legitimate noncommercial or fair use of the domain name”).

According to section 2.9. of the [WIPO Overview 3.0](#), applying UDRP paragraph 4(c), panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a *bona fide* offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users.

Taking into account that (1) the PPC links on the website under the disputed domain name appear to be largely competitive with the Complainant's service, and that (2) the disputed domain name fully incorporates the Complainant EQUIFAX trademark and closely imitates the Complainant's domain name <equifax.com>, the Panel finds that the use of the disputed domain name could not constitute any *bona fide* offering of goods or services using the disputed domain name. [WIPO Overview 3.0](#), section 2.9 (Unless "genuinely related to the dictionary meaning" of the disputed domain, "[pay-per-click] links do not represent a *bona fide* offering where such links compete with or capitalize on the reputation and goodwill of Complainant's mark or otherwise mislead Internet users".) See, e.g., *Volkswagen AG v. Privacy Protection Services*, WIPO Case No. [D2012-2066](#) (use of a domain name in connection with a web page that "only contains advertisements as sponsored links" is "for presumed commercial gain"); *Zions Bancorporation v. Domain Administrator, Fundacion Private Whois*, WIPO Case No. [D2014-0465](#) ("a parking website containing sponsored links... cannot be considered either a *bona fide* offering of goods or services or a legitimate noncommercial or fair use of the Domain Name as the Respondent is unduly profiting from the Complainant's goodwill by misleading Internet users to its website"); and *Canyon Bicycles GmbH v. Domains By Proxy, LLC / Rob van Eck*, WIPO Case No. [D2014-0206](#) (a disputed domain name "pointing to a website featuring PPC [pay-per-click] links... could not be construed as a *bona fide* or legitimate noncommercial or fair use").

By not submitting a Response, the Respondent has failed to invoke any circumstances which could demonstrate any rights or legitimate interests in the disputed domain name. Under such circumstances the Panel draws adverse inferences from this failure, where appropriate, in accordance with the Rules, paragraph 14(b).

Accordingly and absent specific allegations of the Respondent, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

According to paragraph 4(a)(iii) of the Policy, the Complainant must show that the Respondent registered and is using the disputed domain name in bad faith. A non-exhaustive list of factors constituting bad faith registration and use is set out in paragraph 4(b) of the Policy.

UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.3.

The Panel established that the disputed domain name was registered on September 9, 2002, 27 years after the Complainant first used and registered the EQUIFAX trademark in commerce and seven years after the Complainant registered the domain name <equifax.com>.

The disputed domain name constitutes a typosquatting variant of the Complainant's well-known and globally registered EQUIFAX trademark.

Thus, the Panel also concludes that it is implausible that the Respondent was unaware of the Complainant when it registered the disputed domain name given the fame of the EQUIFAX trademark.

Given the reputation of the EQUIFAX trademark and the unlikelihood of the Respondent selecting the disputed domain name for registration by chance, the Panel infers that the registration of the disputed domain name intended to draw income from the improper use of the connection to the Complainant was registration in bad faith. (See, e.g., *LEGO Juris A/S v. Floyd Goddard/ Oneandone, Private Registration*,

WIPO Case No. [D2010-0544](#), the panel stated: “The Panel, in accordance with previous decisions issued under the UDRP, is of the opinion that actual knowledge of the Complainant’s trademarks and activities at the time of the registration of the disputed domain may be considered an inference of bad faith.”)

It is also well settled that the practice of typosquatting constitutes obvious evidence of the bad faith registration of a domain name. See, e.g., *Admiral Group Plc and EUI Limited v. Cimpres Schweiz, Cimpres Schweiz GmbH*, WIPO Case No. [DCO2017-0043](#); *Lexar Media, Inc. v. Michael Huang*, WIPO Case No. [D2004-1039](#) (“Typosquatting has been held under the Policy to be evidence of bad faith registration of a domain name”); *Wal-Mart Stores, Inc. v. Longo*, WIPO Case No. [D2004-0816](#) (“[typosquatting] is presumptive of registration in bad faith”). Typosquatting can be defined as “inherently parasitic and of itself evidence of bad faith”. See, e.g. *Insurance Company v. Dyk Dylina/Privacy--Protect.org*, WIPO Case No. [D2011-0304](#).

Thus, the Panel comes to the conclusion that the circumstances of the present case justify a finding that the disputed domain name has been registered in bad faith, and the Panel, accordingly, finds that the disputed domain name was registered in bad faith.

Using the disputed domain name to redirect visitors to a website for TransUnion, one of the Complainant’s primary competitors, is further evidence of the Respondent’s bad faith use of the disputed domain name. Section 3.1.4 of [WIPO Overview 3.0](#) states that “redirecting the domain name to... a competitor’s... website” is evidence of bad faith. See also, e.g., *Arla Foods amba v. Jucco Holdings*, WIPO Case No. [D2006-0409](#); (“the practice of registering a domain name and using it to redirect a user to a website which is used for the sale of competing services constitutes evidence of registering and using a trademark in bad faith”); *Six Continents Hotels, Inc. v. NA InterMos*, WIPO Case No. [D2006-1313](#) (Respondent “intentionally uses the domain name... aiming to profit from Complainant’s renowned trademark by attracting Internet users. The confusion created by the domain name makes potential customers to choose other services than the Complainant’s, disrupting Complainant’s business.”); and *Six Continents Hotels, Inc. v. Bunjong Chaiviriyawong*, WIPO Case No. [D2013-1942](#).

At the time of this decision, the website displayed at the disputed domain name is a PPC site, which has been set up to the commercial benefit of the Respondent and which directs Internet users to other websites that provide services similar to the Complainant’s services. It is highly likely that Internet users when typing the Complainant’s domain name, if they commit a typographical error and introduce the disputed domain name, Internet users will believe that the website is official or related in some way to the Complainant. The disputed domain name is likely to confuse Internet users trying to find the Complainant’s official website.

As for the subsequent use of the disputed domain name for a PPC site, the Panel finds that the use of a domain name that is identical or confusingly similar to a trademark to obtain click-through-revenue can amount to bad faith use (see, among others, *flscience Limited v. Domains By Proxy LLC / Dr Chauncey Siemens*, WIPO Case No. [D2016-0909](#); *AMADEUS IT GROUP, S.A. v. Contact Privacy Inc. Customer 0151133672, Contact Privacy Inc. Customer 0151133672 / Milen Radumilo*, WIPO Case No. [D2018-2192](#)).

Based on the available record, the Panel finds that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the website.

Thus, the Panel establishes that the Respondent registered and is using the disputed domain name in bad faith.

The third element of paragraph 4(a) of the Policy is therefore satisfied.

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, <eequifax.com>, be transferred to the Complainant.

/Kateryna Oliinyk/

Kateryna Oliinyk

Sole Panelist

Date: February 1, 2023