

ADMINISTRATIVE PANEL DECISION

LeapFrog Investments Platform, LTD v. Monday Gilbert
Case No. D2023-0572

1. The Parties

The Complainant is LeapFrog Investments Platform, LTD, Mauritius, represented by Wiley Rein LLP, United States of America.

The Respondent is Monday Gilbert, Nigeria.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 7, 2023. On February 8, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On the same day, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Withheld for Privacy Purposes) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 10, 2023, 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 February 14, 2023.

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 February 15, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 7, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 8, 2023.

The Center appointed Jeremy Speres as the sole panelist in this matter on March 15, 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 multinational investment firm, investing in businesses in Africa and Asia. Founded in 2007, the Complainant has used the LEAPFROG INVESTMENTS mark ever since. The Complainant's portfolio companies now reach 407 million people across 30 countries, and the Complainant has over USD 3.6 billion invested across its portfolio.

On January 16, 2007, the Complainant registered the domain name <leapfroginvest.com> to host its primary website. The Complainant owns numerous trade mark registrations for its LEAPFROG INVESTMENTS mark in numerous jurisdictions, including European Union Trade Mark registration no. 008511917 LEAPFROG INVESTMENTS in class 36 with registration date February 10, 2010.

The Domain Name was registered on October 15, 2022 and currently does not resolve to any website. The Complainant's evidence shows that the Domain Name previously resolved to a website headed "LEAPFROG INVESTMENTS" featuring the Complainant's logo. The website offered cryptocurrency trading services.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its LEAPFROG INVESTMENTS mark, that the Respondent has no rights or legitimate interests in it, and the Domain Name was registered and has been used in bad faith given that the Domain Name has been used to impersonate the Complainant to perpetrate a fraudulent cryptocurrency trading scheme.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Domain Name consists of the first and dominant part of the Complainant's mark, being "leap", together with an obvious contraction of the last part of the Complainant's mark, being "invst". Where at least a dominant feature of the relevant mark is recognisable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") at section 1.7). The Complainant has satisfied the standing requirement under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant's mark was registered and used extensively long prior to registration of the Domain Name. The Domain Name is confusingly similar to the Complainant's mark, the Complainant has certified that the Domain Name is unauthorised by it, the Respondent did not file a Response, and there is no evidence that any of the circumstances set out in paragraph 4(c) of the Policy pertain.

The Complainant has presented credible, uncontroverted evidence that the Domain Name has been used to impersonate the Complainant in order to induce users to make payments under a cryptocurrency trading scheme. Panels have categorically held that use of a domain name for illegal activity (e.g., phishing, impersonation, or other types of fraud) can never confer rights or legitimate interests ([WIPO Overview 3.0](#) at section 2.13.1). The Complainant has satisfied paragraph 4(a)(ii) of the Policy by virtue of having made out an unrebutted *prima facie* case ([WIPO Overview 3.0](#) at section 2.1).

C. Registered and Used in Bad Faith

It is well accepted that use of a domain name to perpetrate fraud constitutes bad faith ([WIPO Overview 3.0](#) at section 3.4). That fraud was the intention of the Respondent upon registration of the Domain Name, and that the Respondent was aware of and targeted the Complainant's mark, is clear from the evidence presented by the Complainant showing that the Domain Name has been used to impersonate the Complainant through prominent use of the Complainant's unique logo and name in connection with a website offering services that could be construed as being within the Complainant's purview of investment services.

The Complainant has presented evidence of actual confusion in the form of a consumer inquiring with the Complainant whether the Domain Name was associated with the Complainant. The consumer had received email correspondence linking to the Domain Name. The correspondence, stated to be from "Leapfrog Investment", claimed that money had been credited to the consumer's "account", which account the consumer had not requested, and encouraged her to navigate to the Domain Name and to pay an authorisation fee in order to access that "account". Given the impersonation of the Complainant on the Domain Name's website, this clearly shows fraudulent intent, and actual confusion is also an indicator of targeting ([WIPO Overview 3.0](#) at section 3.1.4).

The Panel draws an adverse inference from the Respondent's failure to take part in the present proceeding where an explanation is certainly called for ([WIPO Overview 3.0](#) at section 4.3).

The Respondent's conduct falls squarely within paragraph 4(b)(iv) of the Policy and 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 Domain Name, <leapinvst.com>, be transferred to the Complainant.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: March 24, 2023