

## **ADMINISTRATIVE PANEL DECISION**

CNU Online Holdings, LLC v. rebbica brown  
Case No. D2023-3354

### **1. The Parties**

The Complainant is CNU Online Holdings, LLC, United States of America (“United States”), represented by Squire Patton Boggs (US) LLP, United States.

The Respondent is rebbica brown, India.

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

The disputed domain name <cashnetusa.financial> 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 August 2, 2023. On August 4, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 8, 2023, 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 (Registration Private) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 26, 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 amendment to the Complaint on September 26, 2023.

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 September 29, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 19, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 24, 2023.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on October 27, 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 in this proceeding is a Chicago-based financial services company that provides personal loans to online consumers under the CASHNETUSA brand. The trademark was first used by the Complainant on May 1, 2004.

The Complainant owns several trademarks corresponding and/or including the CASHNETUSA sign.

The Complainant is, *inter alia*, the owner of:

- United States trademark registration number 3210976 for the CASHNETUSA trademark registered on February 20, 2007;
- United States trademark registration number 4521941 for the CASHNETUSA trademark registered on April 29, 2014;
- United States trademark registration number 5692929 for the CASHNETUSA (device) trademark registered on March 5, 2019.

In addition, the Complainant is the holder of the domain name <cashnetusa.com> (registered on January 22, 2004).

The disputed domain name was registered on July 10, 2023.

The disputed domain name is used for a website where an online consumer loan business under the name CASHNETUSA is promoted. The Complainant's CASHNETUSA trademarks are prominently displayed on the corresponding websites.

The Complainant's trademark registrations predate the registration of the disputed domain name.

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

##### **A. Complainant**

The Complainant claims that the disputed domain name is identical to the CASHNETUSA trademark. The Complainant further states that the Respondent has no rights or legitimate interests whatsoever with respect to the disputed domain name. No license or authorization of any other kind has been given by the Complainant to the Respondent to use the CASHNETUSA trademark.

Moreover, the Complainant claims that the Respondent is using the Complainant's name and reputation as a licensed loan provider to induce unsuspecting consumers into engaging with the Respondent, thinking that it is actually the Complainant. Consumers are then intentionally misled into providing their personally identifiable information to the Respondent.

##### **B. Respondent**

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

## 6. Discussion and Findings

In order for the Complainant to obtain a transfer of the disputed domain name, paragraphs 4(a)(i) – (iii) of the Policy require that the Complainant must demonstrate to the Panel that:

- (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 Complainant has established rights in the CASHNETUSA trademark. The disputed domain name is identical to the Complainant's trademark, but for the TLD ".financial".

Therefore, the Panel finds the disputed domain name to be identical and confusingly similar to the CASHNETUSA trademark in which the Complainant has rights.

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 has no connection 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 trademark. The Respondent does not appear to engage in 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. Indeed, the disputed domain name is used for a website where the content displayed shows the Complainant's trademark and logo as well as purported CASHNETUSA-branded services (i.e., loans). The Panel also notes that the composition of the disputed domain name incorporating the Complainant's trademark without any addition under the Top-Level Domain "financial" associated with the Complainant's activity carries a high risk of implied affiliation. The Respondent does not appear to be commonly known by this name. Moreover, the Respondent has not replied to the Complainant's contentions, claiming any rights or legitimate interests in the disputed domain name.

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

### C. Registered and Used in Bad Faith

Based on the evidence put forward by the Complainant, the Panel is of the opinion that the Respondent was aware of the Complainant's trademark registrations and rights to the CASHNETUSA trademark when it registered the disputed domain name.

The Complainant's CASHNETUSA trademark has been registered and used for many years. The disputed domain name is used for a website where the content displayed shows the Complainant's trademark and logo as well as purported CASHNETUSA-branded services (i.e., loans).

Consequently it is clear that the Respondent registered the disputed domain name while aware of the Complainant's trademark and activity, and did so with the intention to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of either the Respondent and/or its website, so as to trick those users into doing business with the Respondent. This constitutes bad faith registration and use as well as a disruption of the Complainant's business under the Policy.

Inference of bad faith can also be found in the failure to respond to the Complainant's contentions, and the Respondent's lack of any rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds, on the basis of the evidence presented, that the Respondent registered and is using the disputed domain names 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, <cashnetusa.financial> be transferred to the Complainant.

*/Fabrizio Bedarida/*

**Fabrizio Bedarida**

Sole Panelist

Date: November 10, 2023