

ADMINISTRATIVE PANEL DECISION

Equentia SCF Technologies Private Limited v. Huang ShaoHuai
Case No. D2023-4724

1. The Parties

The Complainant is Equentia SCF Technologies Private Limited, India, represented by Taru Legal, India.

The Respondent is Huang ShaoHuai, China, represented by John Berryhill, Ph.d., Esq., United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <credible.com> is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 14, 2023. On November 15, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 15, 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 (<details are masked by the owner>) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 17, 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 November 21, 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 December 1, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 25, 2023. The Response was filed with the Center on December 23, 2023.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on January 10, 2024. 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, founded in 2017, is based in India and provides solutions for credit, collections, payments, and trade.

According to the Complainant's website available at <credible.in>, the Complainant enables over USD 6 billion of credits to flow through its platform that connects more than 35 banks, 100 corporate clients, and over 250,000 borrowers.

The Complainant is the owner of the following trademark registrations:

- Indian Trademark Registration No. 3639363 for the word mark CREDABLE, filed on September 20, 2017, in class 38;
- Indian Trademark Registration No. 3639364 for the word mark CREDABLE, filed on September 20, 2017, in class 42;
- Indian Trademark Registration No. 3641137 for the word and device mark CREDABLE, filed on September 22, 2017, in class 38; and
- Indian Trademark Registration No. 3641138 for the word and device mark CREDABLE, filed on September 22, 2017, in class 42.

The disputed domain name had been originally registered and later deleted and was later re-registered on July 21, 2022, and offered at auction when acquired by the Respondent. Presently, the disputed domain name resolves to webpage offering development and design services.

The Respondent is a Chinese national who, in addition to being a Lead Web Developer, provides freelance coding contracting, instruction and web development services, also having acquired domain names that consist of English dictionary words and variations thereof.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that its CREDABLE trademark, used since 2017, has become well-known due to the success of its network and platform for the origination, monitoring and collection of working capital loans as well as to the several offices it counts with in India and the expanding of the Complainant's business to Singapore, Indonesia, and the United Arab Emirates.

According to the Complainant, the disputed domain name fully incorporates its CREDABLE trademark, causing a likelihood of confusion as to the source and/or sponsorship of the disputed domain name.

As to the Respondent's lack of rights or legitimate interests in the disputed domain name, the Complainant contends that:

- i) the Respondent does not have any rights or legitimate interest in respect of the disputed domain name; not being the Respondent commonly known by the disputed domain name and, to the

knowledge of the Complainant, not having the Respondent acquired any trademark rights in the mark CREDABLE;

- ii) the Complainant has never authorized or licensed the Respondent to use the mark CREDABLE, not having the Respondent any association with the Complainant, nor any past dealing with the Respondent;
- iii) the CREDABLE trademark is significantly unique and used by the Complainant as its trademark and tradename for a vast array of its business activities; and
- iv) the Respondent has not used, or made demonstrable preparations to use, the disputed domain name in connection with a *bona fide* offering of goods or services given that the website that resolves from it purports to build apps but it appears that no other function on the website is operational.

In relation to the Respondent's bad faith, the Complainant argues that the Respondent's intention when registering the disputed domain name was to create confusion with the Complainant's trademark, given the significant fame, goodwill and reputation associated with the Complainant's CREDABLE trademark, as well as the fact that the contents of the website relating to the disputed domain name are the same of another sham website (<zolio.com>), being it difficult to conceive any circumstance in which the Respondent could have registered the disputed domain name in good faith or without knowledge of the Complainant's rights over the CREDABLE trademark.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Respondent, an IT professional from Shenzhen, China, asserts to have purchased the disputed domain name in a publicly advertised auction for USD 5,044.00 subsequent to its most recent expiration. Furthermore, the Respondent asserts that the disputed domain name involves a phonetic equivalent of the generic word "credible" and uses it to promote his services and various projects.

The Respondent points out that the Complainant appears to be a financial platform provider based in India with a highly specialized clientele of several dozen actual customers and a presence limited to India, having the Respondent been unaware of the Complainant upon obtaining a long-registered and abandoned domain name at auction.

The Respondent further contends that the Complainant's services are directed to a highly sophisticated business clientele in the financial sector, and that the Complainant's services are not provided to mass market consumers or businesses generally, also not having the Complainant proven when any actual business was conducted under the CREDABLE mark by the Complainant, nor the extent of the Complainant's CREDABLE trademark public reputation.

As to his legitimate interests in the disputed domain name, the Respondent asserts to have acquired the disputed domain name because it is consistent with the sorts of variations on English words for which the Respondent has reserved as domain names for potential future use, having the Respondent also acquired domain names such as <challengeable.com>, <keepay.com>, <whalely.com>, <topkredit.com>, etc. Therefore, the disputed domain name was registered in a pattern consistent with the Respondent's registration of other domain names based on English dictionary words.

The Respondent further rebuts the Complainant's reference to the Respondent's use of the disputed domain name as a "sham website" given that the contact information on the page is fully functional, and the Respondent's professional credentials in the advertised services, as demonstrated by his Github following of 1,300 persons and his demonstrated capability in website development and instructional technology such as "www.codecasts.com" are not any sort of "sham".

The Respondent affirms that his use of the disputed domain name is not illegitimate, nor characterizes predatory or unlawful intent.

Furthermore, the Respondent denies having known about the Complainant until receiving the Complaint, not having the Complainant provided any evidence suggesting that the Respondent was aware of the Complainant when the domain name expired and came up for public auction among abandoned domain names in July 2022.

Under the Respondent's view, the Complainant has not carried its burden of showing that the Respondent lacks legitimate rights and interests in the domain name, rather having the Respondent registered the disputed domain name to advertise *bona fide* web app development services which the Respondent provides, there simply being no circumstances under which the disputed domain name was acquired which suggests that the Respondent was motivated by any purpose having to do with the Complainant, a fintech company with offices located solely in India and a claimed upper limit of 100 clients.

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth three requirements, which have to be met for this Panel to order the transfer of the disputed domain name to the Complainant:

- (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.

The Complainant must prove in this administrative proceeding that each of the aforesaid three elements is present in order to obtain the transfer of the disputed domain name.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests and Registered and Used in Bad Faith

In view of the Panel's findings, the elements of rights or legitimate interests and registration and use in bad faith will be jointly analyzed.

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

On one hand, the Respondent has made a plausible case of a legitimate interest in the disputed domain name which consists of a variation of the word “credible”, also being potentially read as “cred” and “able”.

On the other hand, the evidence produced by the Complainant does not show the alleged international reputation of its CREDABLE trademark, also there was no evidence submitted that would indicate that the Respondent was aware of the Complainant when the disputed domain name expired and came up for public auction among abandoned domain names in July 2022.

In fact, the evidence indicates that the Complainant's trademark is solely used in India and in the “b2b” (“business to business”) segment, not being the CREDABLE trademark used in connection with or known by the large public.

In view of that, and of the fact that no targeting of the Complainant and its activities appear to have taken place by the Respondent, who is based in China and has evidenced a consistent pattern of registering domain names that derive of English dictionary words, as seen above, the Panel finds that the Complainant has not shown that the Respondent has no rights or legitimate interests with respect to the disputed domain name, nor the evidence in the case file as presented indicates that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark.

Thus, the Panel finds that the second and third element of the Policy have not been established.

C. Reverse Domain Name Hijacking

Paragraph 15(e) of the Policy provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. [WIPO Overview 3.0](#), section 4.16.

The Panel does not find that the Complainant's case was doomed from the start, but that the Complainant did not adequately produce evidence of its alleged strength, reputation, and renown.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: January 24, 2024