

ADMINISTRATIVE PANEL DECISION

Plus500 Ltd. v. Privacy service provided by Withheld for Privacy ehf / mike contact / nokz Ramv / Vix tech, vixtech.inc / Godwin plus, plus500au / Sclafin Mike / Micheal Obrian / Beatrice Micheals / Jack Clarkson / Anna Soft / Caleb Johnson / Michael Louis / Tony Michael / Letra Summer / Christopher Harold / Arthur Davis / Domain Administrator, See PrivacyGuardian.org
Case No. D2022-0145

1. The Parties

The Complainant is Plus500 Ltd., Israel, represented by Herzog, Fox & Neeman, Israel.

The Respondent is Privacy service provided by Withheld for Privacy ehf, Iceland / mike contact, United States of America / nokz Ramv, United States of America / Vix tech, vixtech.inc, Nigeria / Godwin plus, plus500au, Nigeria / Sclafin Mike, United States of America / Micheal Obrian, Nigeria / Beatrice Micheals, Ireland / Jack Clarkson, United States of America / Anna Soft, United States of America / Caleb Johnson, United States of America / Michael Louis, Nigeria / Tony Michael, Nigeria / Letra Summer, Nigeria / Christopher Harold, Nigeria / Arthur Davis, Nigeria / Domain Administrator, See PrivacyGuardian.org, United States of America

2. The Domain Names and Registrars

The disputed domain names <plustradingus.com>, <plus500amn.com>, <plus500api.com>, <plus500au.com>, <plus500trad.com>, <plus500trade.com>, <plus500trader.co>, <plus500trader.com>, <plus500trader.online>, <plus500traders.com>, <plus500trades.com>, <plus500tradesua.online>, <plus500tradesusa.com>, <plus500tradeua.online>, <plus500tradingau.com>, <plus500tradingua.com>, <plus500ua.com>, <plus500usa.com>, <plus500usa.online>, <plus500us.com>, <pl500trades.com>, <p500trade.com>, <p500tradings.com>, <500plusanm.com>, <500plustradings.online>, <500plususa.com>, and <500ptrading.com> are registered with NameCheap, Inc. (the “first Registrar”).

The disputed domain names <plus500eu.com>, <plus-500trader.com>, and <500trades.online> are registered with NameSilo, LLC (the “second Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 17, 2022. On January 17, 2022, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On January 17, 2022, the Registrars transmitted by email to

the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on January 20, 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 amended Complaint on February 7, 2022.

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 9, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 1, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 2, 2022.

The Center appointed Kaya Köklü as the sole panelist in this matter on March 8, 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 is a fintech company with its registered seat in Israel. It is internationally active and offers customers a range of trading products, including Contracts for Difference ("CFDs") and share dealing, as well as futures and options on futures in the United States of America ("United States"). According to uncontested information in the Complaint, the Complainant has a market cap of approximately USD 2 billion and is the largest CFD provider in Germany and Spain.

The Complainant is the owner of the PLUS500 trademark, which is registered in various jurisdictions (Annexes 7 and 8 to the Complaint). For instance, the Complainant is the owner of Israel Trademark No. 310600, registered on April 1, 2019 and the European Union Trade Mark No. 018362825, applied for on December 22, 2020 and registered on May 14, 2021, covering protection for various trading products and related online services as protected in classes 9 and 36.

The Complaint involves 30 disputed domain names, which are registered to multiple Respondents. The date of first registration for all of the disputed domain names is 2021, as can be seen below:

[1] <plus500amn.com>	March 28, 2021
[2] <500ptrading.com>	April 14, 2021
[3] <plus500trade.com>	April 7, 2021
[4] <plus500tradesusa.com>	May 18, 2021
[5] <plus500us.com>	April 21, 2021
[6] <plus500usa.com>	May 17, 2021
[7] <plus500trader.com>	May 20, 2021
[8] <plus500au.com>	April 4, 2021
[9] <500plustradings.online>	May 31, 2021
[10] <500plususa.com>	May 30, 2021
[11] <p500tradings.com>	February 27, 2021
[12] <plus500trades.com>	May 18, 2021
[13] <plus-500trader.com>	May 5, 2021
[14] <plus500tradingua.com>	June 21, 2021
[15] <plus500ua.com>	June 15, 2021
[16] <plus500eu.com>	September 11, 2021
[17] <plus500tradesua.online>	August 1, 2021

[18] <pl500trades.com>	July 25, 2021
[19] <plus500trad.com>	August 12, 2021
[20] <plus500tradeua.online>	September 24, 2021
[21] <plus500trader.co>	September 21, 2021
[22] <plus500usa.online>	September 10, 2021
[23] <plus500api.com>	September 8, 2021
[24] <plus500trader.online>	September 29, 2021
[25] <500trades.online>	March 26, 2021
[26] <500plusanm.com>	April 13, 2021
[27] <p500trade.com>	July 21, 2021
[28] <plustradingus.com>	July 20, 2021
[29] <plus500traders.com>	October 15, 2021
[30] <plus500tradingau.com>	November 27, 2021

According to the provided documents in the case file (Annexes 5 and 6 to the Complaint), all disputed domain names resolved to a login page of a website, which prominently used the Complainants' PLUS500 trademarks and logos in addition to partly identical copies of the Complainant's official websites.

At the time of the decision, the disputed domain names no longer resolve to active websites.

5. Parties' Contentions

A. Complainant

The Complainant requests the transfer of the disputed domain names.

First, the Complainant requests consolidation of the Respondents arguing that the registrants of the disputed domain names are connected to one another and should be considered as the same domain name holder.

The Complainant is further of the opinion that the disputed domain names are confusingly similar to its PLUS500 trademark.

The Complainant is of the opinion that the Respondents have no rights or legitimate interests in respect of the disputed domain names. It is rather argued that the disputed domain names falsely suggest that there is some official or authorized link between the Complainants and the Respondents.

Finally, it is argued that the Respondents have registered and are using the disputed domain names in bad faith. The Complainant particularly argues that the Respondents must have been well aware of the Complainants' trademarks, when registering and using the disputed domain names.

B. Respondent

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

6. Discussion and Findings

6.1. Procedural Issues

UDRP panels generally apply the principles for consolidation as set out at section 4.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Section 4.11.2 of the [WIPO Overview 3.0](#) states the following: "Where a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common

control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario". See also, *Speedo Holdings B.V. v. Programmer, Miss Kathy Beckerson, John Smitt, Matthew Simmons*, WIPO Case No. [D2010-0281](#).

In this regard, previous UDRP panels particularly considered the following aspects in determining whether consolidation is appropriate: similarities in or relevant aspects of (i) the registrants' contact information, (ii) the content or layout of websites corresponding to the disputed domain names, (iii) whether the registrants are targeting a specific sector, and (iv) the relevant language/scripts of the disputed domain names.

In light of the criteria set out above, there are strong indications that all disputed domain names are under common control.

In view of the Panel, the Complainant has provided sufficient evidence that the Respondents are either the same person or at least connected to each other. This is particularly indicated by the undisputed fact that all disputed domain names were linked to login-pages, which were more or less identical to each other and providing the same look and feel.

The Panel concludes that the Respondents must have acted collaboratively and, hence, accepts that all disputed domain names are under common control. Additionally, the Panel is convinced that in the present case consolidation of multiple respondents is procedurally efficient, fair, and reasonable to all parties.

The Panel therefore, for the purpose of this decision, accepts the case to be dealt with in a consolidated Complaint and will refer, whenever appropriate, to the Respondents as "the Respondent" below.

6.2. Substantive Issues

According to paragraph 14(a) and 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable and on the basis of the Complaint where no formal Response has been submitted.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain names are identical or confusingly similar to the trademarks in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not formally replied to the Complaint. See *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. D2007 1228.

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See *Belupo d.d. v. WACHEM d.o.o.*, WIPO Case No. [D2004-0110](#).

It is further noted that the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the [WIPO Overview 3.0](#).

A. Identical or Confusingly Similar

To begin with, the Panel confirms that the Complainant has satisfied the threshold requirement of having trademark rights in PLUS500. As evidenced in the Complaint, the Complainant is the owner of various

PLUS500 word and figurative trademarks, which, according to the case file (Annexes 7 and 8 to the Complaint) are registered in various jurisdictions.

In light of this assessment, the Panel initially notes the following:

The disputed domain names no. 1, 3, 4, 5, 6, 7, 8, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 29 and 30 fully incorporate the mark PLUS500 as a part of the relevant disputed domain name.

The disputed domain names no. 9, 10, and 26 incorporate the figure “500” and the term “plus”.

The disputed domain names no. 2, 11, 18, and 27 incorporate the figure “500” and the letter “p”.

The disputed domain name no. 25 incorporates the figure “500” in combination with the term “trades”.

The dispute domain name no. 28 incorporates the term “plus” in combination with the term “trading” and the additional term “us”.

In light of the above, the Panel finds that the disputed domain 1, 3, 4, 5, 6, 7, 8, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 29 and 30 are confusingly similar to the Complainant’s PLUS500 trademark, as they fully incorporate the Complainant’s respective trademark. As stated at section 1.8 of the [WIPO Overview 3.0](#), where the relevant trademark is recognizable within the disputed domain name, the addition of other terms would generally not prevent a finding of confusing similarity. The mere addition of descriptive and dictionary terms within the disputed domain names does not, in view of the Panel, serve to prevent a finding of confusing similarity between the disputed domain names and the Complainant’s PLUS500 trademark.

In view of the Panel, the same applies to the disputed domain names no. 9, 10, and 26, which incorporate both parts of the PLUS500 trademark, namely the figure “500” and the term “plus”, but in different order. In view of the Panel, this makes the Complainant’s PLUS500 trademark still sufficiently recognizable within the respective disputed domain names.

Also, the remaining disputed domain names no 2, 11, 18, 25, 27, and 28 are assessed by the Panel as confusingly similar to the Complainant’s PLUS500 trademark. The Panel recognizes that the assessment of confusing similarity between “p500”, “pl500”, “500trades”, “plustrading” and the Complainant’s trademark PLUS500 trademark is not a clear-cut case. In such cases, it may help to consider the overall circumstances of this case. Section 1.7 of [WIPO Overview 3.0](#) states that “panels have also found that the overall facts and circumstances of a case (including relevant website content) may support a finding of confusing similarity, particularly where it appears that the respondent registered the domain name precisely because it believed that the domain name was confusingly similar to a mark held by the complainant”. According to undisputed information in the case file, all identified disputed domain names resolved to a sign-in page providing the look and feel of the Complainant’s website (Annexes 5 and 6 to the Complaint). The Panel concludes that the Respondent must have registered these disputed domain names because it believed that they are confusing similar to the Complainant’s PLUS500 trademark.

Therefore, the Panel assesses all disputed domain names as confusingly similar to the Complainant’s PLUS500 trademark.

Accordingly, the Panel finds that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy with regard to all disputed domain names.

B. Rights or Legitimate Interests

While the burden of proof remains with the Complainant, the Panel recognizes that this would often result in the often impossible task of proving a negative, in particular as the evidence needed to show the Respondent’s rights or legitimate interests is often primarily within the knowledge of the Respondent. Therefore, the Panel agrees with prior UDRP panels that the Complainant is required to make out a *prima*

facie case before the burden of production shifts to the Respondent to show that it has rights or legitimate interests in the disputed domain names to meet the requirements of paragraph 4(a)(ii) of the Policy. See *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

With its Complaint, the Complainant has provided *prima facie* evidence that the Respondent has no rights or legitimate interests, particularly no license or alike to use the Complainant's PLUS500 trademark in a confusingly similar way within the disputed domain names, which the Respondent has not rebutted. In the absence of a Response, the Respondent has failed to demonstrate any of the nonexclusive circumstances evidencing rights or legitimate interests under the Policy, paragraph 4(c), or provide any other evidence of rights or legitimate interests in the disputed domain names. On the contrary, the Panel cannot exclude that due to the connected misleading sign-in page, the disputed domain names may be already used in connection with possibly fraudulent, and at least illegitimate, activities by the Respondent.

There is particularly no doubt that the Respondent was well aware of the Complainant and its PLUS500 trademark before registering and using the disputed domain names. The Panel is convinced that the Respondent deliberately has chosen the disputed domain names to cause confusion with the Complainant and its financial services among Internet users.

Bearing all this in mind, the Panel does not see any basis for assessing a *bona fide* offering of goods or services by the Respondent.

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

C. Registered and Used in Bad Faith

The Panel believes that the Respondent deliberately attempted to create a likelihood of confusion among Internet users for illegitimate purposes, particularly for the following reasons.

At the dates of registration of the disputed domain names, the Respondent was apparently well aware of the Complainant and its PLUS500 trademark. It is obvious to the Panel, that the Respondent has deliberately chosen the disputed domain names to target and mislead Internet users who particularly are searching for information and financial services provided by the Complainant itself. Consequently, the Panel is convinced that the Respondent has registered the disputed domain names in bad faith.

Additionally, the Panel finds that the Respondent is using the disputed domain names in bad faith. Prominently featuring an identical copy of the Complainant's word and figurative PLUS500 trademark on the websites linked to the disputed domain names as well as the overall design of those websites indicate that the Respondent intentionally tried to misrepresent itself as the Complainant and trademark owner to mislead Internet users for most likely fraudulent, and at least illegitimate, purposes.

The fact that the disputed domain names do not currently resolve to active websites anymore does not change the Panel's findings in this respect. See section 3.3 of the [WIPO Overview 3.0](#).

Taking all facts of the case into consideration, the Panel believes that this is a typical cybersquatting case, which the UDRP was designed to stop. The Panel therefore concludes that the disputed domain names were all registered and are being used in bad faith and that the Complainant consequently has satisfied the third element of the Policy, namely, 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 names <plustradingus.com>, <plus500amn.com>, <plus500api.com>, <plus500au.com>, <plus500trad.com>, <plus500trade.com>, <plus500trader.co>, <plus500trader.com>, <plus500trader.online>, <plus500traders.com>, <plus500trades.com>, <plus500tradesua.online>, <plus500tradesusa.com>, <plus500tradeua.online>, <plus500tradingau.com>, <plus500tradingua.com>, <plus500ua.com>, <plus500usa.com>, <plus500usa.online>, <plus500us.com>, <pl500trades.com>, <p500trade.com>, <p500tradings.com>, <500plusanm.com>, <500plustradings.online>, <500plususa.com>, <500ptrading.com>, <plus500eu.com>, <plus-500trader.com>, and <500trades.online> be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: March 22, 2022