

ADMINISTRATIVE PANEL DECISION

Equifax Inc. v. Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico
Case No. D2022-0698

1. The Parties

The Complainant is Equifax Inc., United States of America (“U.S.”), represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, U.S.

The Respondent is Domains By Proxy, LLC, U.S. / Carolina Rodrigues, Fundacion Comercio Electronico, Panama.

2. The Domain Name and Registrar

The disputed domain name <my-equifax.com> (“Domain Name”) 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 March 1, 2022. Also on March 1, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On March 2, 2022, 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 and contact information in the Complaint.

The Center sent an email communication to the Complainant on March 8, 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 March 9, 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 March 9, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 29, 2022. The Respondent did not submit any response.

Accordingly, the Center notified the Respondent's default on March 30, 2022.

The Center appointed Dilek Ustun Ekdial as the sole panelist in this matter on April 7, 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 Equifax Inc., a global data, analytics, and technology company. Among other services, it provides to consumers and professionals credit reporting services. The Complainant was originally incorporated under the laws of the State of Georgia (U.S.) in 1913, and its predecessor company dates back to 1899.

Headquartered in Atlanta, Georgia (U.S.), the Complainant operates or has investments in 24 countries in North America, Central and South America, Europe and the Asia Pacific region.

The Complainant's registrations for the EQUIFAX trademark in the United States include the following:

- EQUIFAX: U.S. Reg. No. 1,027,544 (first used in commerce March 4, 1975; registered December 16, 1975) for use in connection with "insurance risk information reporting services concerning potential policy holders".
- EQUIFAX: U.S. Reg. No. 1,045,574 (first used in commerce March 4, 1975; registered August 3, 1976) for use in connection with "conducting investigations and reporting on individuals and firms concerning credit, character and finances...".
- EQUIFAX: U.S. Reg. No. 1,644,585 (first used in commerce March 4, 1975; registered May 14, 1991) for use in connection with, *inter alia*, "providing on-line access to computer databases containing information relating to applicants for insurance, credit, mortgage loans, and employment".

The Complainant is the registrant of the domain name <equifax.com>, which was created on February 21, 1995 and uses said domain name in connection with its primary website.

The Domain Name was registered on February 7, 2020 and it is used in connection with a pay-per-click ("PPC") or monetized parking page that includes links for third-party websites that offer services related to the EQUIFAX trademark, including "My Credit Score" and "Get My Free Credit Report".

5. Parties' Contentions

A. Complainant

The Complainant has numerous registered trademark rights in EQUIFAX. The Complainant submits that the Domain Name is confusingly similar to the Complainant's EQUIFAX trademark.

According to the Complaint, the Domain Name combines the EQUIFAX mark with the word "my" and a hyphen. This additional element "my" will thus not be perceived by the relevant public as a difference and could not distinguish the Respondent or the goods and services offered under the Domain Name from the Complainant's business and its goods and services.

The Complainant refers several panels decisions which have been found that domain names containing the word "my" plus a complainant's trademark are confusingly similar to the trademark – including in at least one previous decision also involving the EQUIFAX trademark and five domain names that each contained the word "my". *Equifax Inc. v. Zhichao Yang*, 杨智超 (Zhichao Yang), 林彦晓 (Yan Xiao Lin), WIPO Case No. [D2021-3287](#) (transfer of <myequifaxlogin.com>, <myequifazx.com>, <myequifgax.com>, <myequifqax.com>),

and <myequifex.com>). See also, e.g., *CVS Pharmacy, Inc. v. Registration Private, Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2019-1741](#) (finding <myhr-cvs-login.com> confusingly similar to CVS); *Accenture Global Services Limited v. Carolina Rodrigues*, WIPO Case No. [D2021-1456](#) (finding <mylearningaccenture.com> confusingly similar to ACCENTURE); and *Comerica Bank v. Abdul Bhuiyan, ABD*, WIPO Case No. [D2021-1208](#) (finding <mycomerica.com> confusingly similar to COMERICA).

The Complainant submits that the Respondent has no rights or legitimate interests in the Domain Name.

The Complainant asserts that the Respondent is unable to demonstrate rights or legitimate interests in the Domain Name. The Respondent has not been allowed by the Complainant to make any use of its trademarks.

The Complainant argues that by using the Domain Name in connection with a PPC page that includes links for services related to the EQUIFAX trademark, the Respondent has failed to create a *bona fide* offering of goods or services under the Policy, and, therefore, the Respondent cannot demonstrate rights or legitimate interests under Paragraph 4(c)(i) of the Policy.

The Complainant argues that the Respondent had knowledge of the Complainant and its services at the time of registration of the Domain Name. The Respondent registered and used the Domain Name with the intention to attract, for commercial gain, Internet users to the website by creating a likelihood of confusion with the Complainant's registered EQUIFAX trademark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on the Respondent's website or location. It constitutes registration and use in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy requires that the Complainant prove all of the following three elements in order to be successful in this proceeding:

(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 was registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Domain Name <my-equifax.com> contains the Complainant's trademark EQUIFAX with the word "my" and a hyphen, the additions of which do not prevent a finding of confusing similarity. See section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The generic Top-Level Domain ("gTLD") extension ".com" is generally not to be taken into consideration when examining the identity or confusing similarity between the Complainant's trademark and the Domain Name.

Therefore, the Panel finds that the Domain Name is confusingly similar to the trademark EQUIFAX in which the Complainant has rights, satisfying the condition of the Policy, paragraph 4(a)(i).

B. Rights or Legitimate Interests

The Respondent has not provided any evidence of the type specified in paragraph 4(c) of the Policy, or any other circumstances giving rise to a right or legitimate interest in the Domain Name.

It is clear that the Respondent has not demonstrated any *bona fide* offering of goods or services for his use of the Domain Name, nor has the Respondent shown that he has been commonly known by the Domain Name. Rather, the evidence of the Complainant suggests that the Respondent has used the Domain Name in an attempt to trade off the goodwill associated with the Complainant's trademark.

The Complainant also showed, *prima facie*, that the Respondent has neither a license nor any other permission to use the Complainant's trademark in the Domain Name or otherwise.

The Panel finds that the Complainant has made a *prima facie* case that the Respondent lacks rights or legitimate interests, and the Respondent has failed to demonstrate such rights or legitimate interests.

The Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the Domain Name.

C. Registered and Used in Bad Faith

Taking into account the Respondent's use of the Domain Name as described in sections 4 and 6.2.B above, and the Complainant's use and registration of its EQUIFAX trademarks very long before the registration of the Domain Name, the Panel concludes that the Respondent was aware of the Complainant and its business when the Respondent registered the Domain Name.

The Respondent has attempted to attract Internet users, for commercial gain, to the Respondent's website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

There is no suggestion that the Respondent had any intention of legitimate use, that it enjoys a legitimate connection to the Domain Name or that there is conceivable good faith use for the Domain Name. After examining all circumstances surrounding the registration and use of the Domain Name, the Panel finds that the Respondent registered and is using the Domain Name in bad faith.

The Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of 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 <my-equifax.com> be transferred to the Complainant.

/Dilek Ustun Ekdial/

Dilek Ustun Ekdial

Sole Panelist

Date: April 22, 2022