

ADMINISTRATIVE PANEL DECISION

Chime Financial, Inc. v. Privacy Service Provided by Withheld for Privacy ehf / Vivek Yadav, ysv
Case No. D2022-1307

1. The Parties

The Complainant is Chime Financial, Inc., United States of America (“United States”), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Privacy Service Provided by Withheld for Privacy ehf, Iceland / Vivek Yadav, ysv, India.

2. The Domain Name and Registrar

The disputed domain name <chimenumbr.org> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 12, 2022. On April 12, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 12, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on April 13, 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 April 20, 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 April 21, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 11, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 12, 2022.

The Center appointed Steven A. Maier as the sole panelist in this matter on May 17, 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 provider of online financial services including banking, card and payment services.

The Complainant is the owner of trademark registrations including United States trademark registration number 4728805 for the word mark CHIME, registered on April 28, 2015 in International Classes 9 and 36.

The disputed domain name was created on June 17, 2020.

The disputed domain name resolves to a website at “www.chimenumber.org” which appears to provide information about the Complainant and its services together with a contact telephone number offering “free help”.

5. Parties’ Contentions

A. Complainant

The Complainant states that it was founded in 2013. It provides information concerning its history and business profile and particulars of a significant following on social media. It claims over eight million account holders and a market valuation of USD 14.5 billion. The Complainant contends that it has obtained significant goodwill in its CHIME trademark as a result of its business, advertising and promotional activities.

The Complainant submits that the disputed domain name is confusingly similar to its CHIME trademark and that the inclusion of the term “number” does not negate that confusing similarity.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant submits that it has never licensed the Respondent to use its CHIME trademark, that the Respondent is not known by any name corresponding to the disputed domain name and that the Respondent is not making any *bona fide* commercial use of the disputed domain name. Instead, the Complainant contends that the Respondent has copied content from the Complainant’s own website at “www.chime.com” and is passing itself off as the Complainant for financial gain.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. It states that the Respondent has copied content from its website, has used a similar green and white colour scheme and has generally adopted the same look and feel as the Complainant’s own website. The Complainant submits that the Respondent has also included hyperlinks to the Complainant’s website. It contends that the Respondent fails to make clear that its website is unconnected with the Complainant and that it contains a “hotline” telephone number, which the Complainant believes enables it to take unfair financial advantage of Internet users who have been misled into believing the website is operated by the Complainant itself. The Complainant says that the same “hotline” number is used on other, similar, websites relating to the services of other financial service providers. The Complainant further submits that the Respondent shields its identity behind a privacy service and that it has ignored “cease and desist” correspondence from the Complainant dated November 2021.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are 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 that it has registered trademark rights in the mark CHIME. The disputed domain name comprises that trademark in full, together with the term “number”, which does not prevent the Complainant’s trademark from being recognizable within the disputed domain name. The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

In the view of the Panel, the Complainant’s submissions set out above give rise to a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has failed to file any Response in this proceeding and has not submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise. For the reasons set out below, the Panel is not of the view that the Respondent’s website to which the disputed domain name resolves represents a *bona fide* offering of goods or services. The Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

Having reviewed the Respondent’s website content as exhibited by the Complainant, the Panel accepts the Complainant’s submissions that that website is likely to mislead Internet users into believing it to be owned or operated by, or otherwise commercially affiliated with, the Complainant. The website includes information about the Complainant’s history and business offering, makes extensive use of the CHIME trademark including terminology such as “Chime Solutions” and prominently includes sections with titles such as “Chime Balance Check”, “How to Activate Chime Card” and “How to Login Chime Bank”. The website includes no disclaimer of any connection with the Complainant or any information (other than the disputed domain name) to identify its operator. The Panel also accepts the Complainant’s submissions that the website directs visitors to a “hotline” number operated by the Respondent which is not connected with the Complainant and which is also used by a number of other, similar, websites.

In view of the Respondent’s extensive references to the Complainant and its business, it is clear to the Panel that the Respondent was aware of the Complainant’s CHIME trademark when it registered the disputed domain name and that it did so in order to take unfair advantage of the goodwill attaching to that trademark.

The Panel also finds the disputed domain name to be inherently misleading, as implying that it provides a “number” (*i.e.* a phone number) for accessing the Complainant’s services.

The Panel concludes that the Respondent’s website is misleading in the manner described above, since visitors to that website are likely to be confused into believing it is operated by or affiliated with the Complainant and that the “hotline” number which it includes represents a service provided by the

Complainant. The Panel infers that the Respondent is likely to derive revenues directly or indirectly from the use of that “hotline” number. The Panel finds, therefore, that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Panel finds in the circumstances that the disputed domain name has been registered and is being used in bad faith.

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, <chimnumber.org>, be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: May 24, 2022