

## **ADMINISTRATIVE PANEL DECISION**

Block, Inc. v. Peter Stavisky, Barrington Media Group  
Case No. D2022-1341

### **1. The Parties**

Complainant is Block, Inc., United States of America (“United States”), represented by Perkins Coie, LLP, United States.

Respondent is Peter Stavisky, Barrington Media Group, United States.

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

The disputed domain names <appcash22.com>, <appcash23.com>, <appcash33.com>, <appcash44.com>, <appcash45.com>, <appcash55.com>, <cashapp22.com>, <cashapp23.com>, <cashapp33.com>, <cashapp44.com>, <cashapp45.com>, <cashapp55.com>, and <cashapp66.com> (the “Domain Names”) are registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 13, 2022. On April 14, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On April 14, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names, which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email to Complainant on April 21, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on April 26, 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 Respondent of the Complaint, and the proceedings commenced on April 28, 2022. In accordance with the Rules, paragraph 5, the due date for response was May 18, 2022. Respondent did not submit any response. Accordingly, the Center sent Commencement of Panel Appointment Process email to the Parties on June 2, 2022.

The Parties sought, and received, a stay of the proceedings between June 2, 2022 and November 23, 2022. The Center sent the Reinstitution of the Proceeding on November 23, 2022.

The Center appointed Robert A. Badgley as the sole panelist in this matter on December 1, 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**

Founded in 2009, Complainant describes itself as “a global leader in the financial software services and mobile payments space”. One of Complainant’s products is its CASH APP software, which, according to Complainant, “provides an ecosystem of financial products and services to help individuals manage their money, including, transferring electronic funds, making debit card purchases, taking advantage of discount and reward programs, and buying and selling stocks and cryptocurrency”.

The CASH APP services are offered in several countries. In the United States and Europe, there are more than 44 million monthly users of CASH APP. In addition, CASH APP enjoys a significant social media presence.

Complainant holds numerous trademark registrations for CASH APP, including United States Patent and Trademark Office Reg. No. 5,911,568, registered on November 19, 2019.

The Domain Name <cashapp22.com> was registered on February 9, 2022. The rest of the Domain Names were registered on March 9, 2022. The Domain Names resolve to a website located at “www.surveysandpromoonline.com”. According to Complainant, and as corroborated with screenshots annexed to the Complaint, this website invites users to try to qualify for a USD 750 credit to the user’s Cash App account. Eventually, the user is required to disclose personal information. Complainant asserts that this is a fraudulent scheme whereby users divulge their personal information but never receive any reward. Complainant also asserts that it has no relationship with this website, despite Respondent’s efforts to create the impression that Complainant and its CASH APP mark is somehow affiliated with the site.

Respondent has not denied any of the foregoing allegations.

#### **5. Parties’ Contentions**

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

Complainant contends that it has satisfied all three elements required under the Policy for a transfer of the Domain Name.

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

Respondent did not reply to Complainant’s contentions.

## 6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to each of the Domain Names:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

### A. Identical or Confusingly Similar

The Panel concludes that Complainant has rights in the trademark CASH APP through registration and use demonstrated in the record. The Panel also concludes that the Domain Names are confusingly similar to the CASH APP mark. The addition of numbers of the CASH APP mark is inconsequential, as the CASH APP mark remains clearly recognizable within the Domain Names.

With respect to the Domain Names that invert the two words, such as <appcash22.com>, the Panel also finds such Domain Names to be confusingly similar to the CASH APP trademark. The inversion of the words does not meaningfully dispel the confusing similarity between these Domain Names and the CASH APP mark. The mark remains recognizable within these Domain Names.

Complainant has established Policy paragraph 4(a)(i).

### B. Rights or Legitimate Interests

For each of the Domain Names, pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in connection with the Domain Names. None of the above-quoted “safe harbors” applies here, based on the record presented.

Respondent has not come forward in this proceeding, to articulate or prove any possible legitimate interest in the Domain Names. Relatedly, Respondent has not come forward to deny the allegations that Respondent has used the Domain Names to perpetrate a fraud on consumers who believe they are trying to qualify for a reward credit to their CASH APP account.

Complainant has established Policy paragraph 4(a)(ii).

### **C. Registered and Used in Bad Faith**

For each of the Domain Names, paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation”, are evidence of the registration and use of the Domain Name in “bad faith”:

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

The Panel concludes that Respondent registered and used the Domain Names in bad faith under the Policy. The Panel incorporates its discussion above in the “Rights or Legitimate Interests” section. Again, the undisputed record here shows that Respondent registered a series of Domain Names confusingly similar to Complainant’s well-known CASH APP mark, directed these Domain Names to a website that made extensive use of Complainant’s CASH APP mark and created a false impression of affiliation with Complainant, and used that website to attempt to defraud users who were hoping to earn rewards related to their CASH APP accounts. Such conduct clearly constitutes bad faith registration and use of the Domain Names within the meaning of the above-quoted Policy paragraph 4(b)(iv).

Complainant has established Policy paragraph 4(a)(iii).

### **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 following Domain Names be transferred to Complainant: <appcash22.com>, <appcash23.com>, <appcash33.com>, <appcash44.com>, <appcash45.com>, <appcash55.com>, <cashapp22.com>, <cashapp23.com>, <cashapp33.com>, <cashapp44.com>, <cashapp45.com>, <cashapp55.com>, <cashapp66.com>.

*/Robert A. Badgley/*

**Robert A. Badgley**

Sole Panelist

Date: December 12, 2022