

ADMINISTRATIVE PANEL DECISION

Equifax Inc. v. Jewella Privacy - e1b23, Jewella Privacy LLC Privacy ID# 1016362

Case No. D2022-1802

1. The Parties

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

The Respondent is Jewella Privacy - e1b23, Jewella Privacy LLC Privacy ID# 1016362, United States.

2. The Domain Name and Registrar

The disputed domain name <quifax.com> (the “Domain Name”) is registered with Sea Wasp, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 19, 2022. On May 19, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 30, 2022, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 June 1, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 21, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 22, 2022.

The Center appointed Michelle Brownlee as the sole panelist in this matter on June 27, 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 owns numerous registrations for the EQUIFAX trademark in jurisdictions throughout the world, including the following:

United States Trademark Registration Number 1027544 for EQUIFAX, registered on December 16, 1975, for services in international class 36;

United States Trademark Registration Number 1045574 for EQUIFAX, registered on August 3, 1976, for services in international class 35; and

United States Trademark Registration Number 1644585 for EQUIFAX, registered on May 14, 1991, for services in international classes 35, 36, and 42.

The Domain Name was registered on June 17, 2011. The Domain Name resolves to a website that has links entitled "Get My Free Credit Report," "Identity Theft Monitoring Service," "Credit Report Monitoring", and "How To Fix Your Credit."

5. Parties' Contentions

A. Complainant

The Complainant states that it is a leading global provider of information solutions and human resources business process outsourcing services for businesses, governments and consumers and that it was incorporated in 1913. The Complainant states that it has operations or investments in 24 countries in the Americas, Europe, and Asia Pacific regions and employs approximately 11,000 people worldwide. The Complainant states that it is a member of Standard & Poor's 500 Index, and its common stock is traded on the New York Stock Exchange.

The Complainant states that it offers a credit reporting service that provides consumers with a summary of their credit history and certain other information, reported to credit bureaus by lenders and creditors. The Complainant states that it has owned the domain name <equifax.com> since February 21, 1995, and uses it in connection with its primary website. The Complainant cites numerous UDRP proceedings that were decided in the Complainant's favor with respect to domain names that are identical or confusingly similar to the Complainant's EQUIFAX trademark.

The Complainant argues that the Domain Name is confusingly similar to its EQUIFAX mark because it is identical except for the omission of the "e" at the beginning of the mark. The Complainant also argues that the Respondent has no rights or legitimate interests in respect of the Domain Name and that the Respondent registered and is using the Domain Name in bad faith. The Complainant presented evidence that the Domain Name resolves to a page that appears to generate pay-per-click revenue that includes links entitled "Get My Free Credit Report," "Identity Theft Monitoring Service," "Credit Report Monitoring", and "How To Fix Your Credit."

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of a domain name, a complainant must prove the following three elements:

- (i) the 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 domain name; and
- (iii) the domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has demonstrated that it owns rights in the EQUIFAX trademark. The Domain Name is identical to the trademark except that the letter “e” is missing. Under these circumstances, the Panel finds that the Domain Name is confusingly similar to the Complainant’s EQUIFAX trademark.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides that a respondent can demonstrate rights to or legitimate interests in a domain name by demonstrating one of the following facts:

- (i) before receiving any notice of the dispute, the respondent used or made demonstrable preparations to use the domain name at issue in connection with a *bona fide* offering of goods or services; or
- (ii) the respondent has been commonly known by the domain name; or
- (iii) the respondent is 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 at issue.

In this case, the Complainant has put forward a *prima facie* case and no evidence has been presented that the Respondent used or made demonstrable preparations to use the Domain Name in connection with a *bona fide* offering of goods or services; that the Respondent is commonly known by the Domain Name; that the Respondent is making a legitimate noncommercial or fair use of the Domain Name; or in any other way refuted the Complainant’s *prima facie* case. The Complainant presented evidence that the Respondent is using the Domain Name to direct Internet users to a website that appears to generate pay-per-click revenue with links with titles that are related to the Complainant’s credit reporting services, such as “Get My Free Credit Report” and “Credit Report Monitoring.” The Respondent has not refuted these allegations and evidence. Under the circumstances, there is no basis to find that the Respondent has demonstrated rights to or legitimate interests in the Domain Name.

Accordingly, the Panel finds that the Complainant has established this element of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy states that the following circumstances are evidence of registration and use of a domain name in bad faith:

- (i) circumstances indicating that the respondent has registered or acquired the domain name at issue primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name; or
- (ii) the respondent 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 the respondent has engaged in a pattern of such conduct; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location.

The Complainant's rights in its EQUIFAX trademark predate the registration of the Domain Name by more than 35 years, and the Complainant has presented evidence regarding the well-known nature of its trademark. The Respondent has not refuted the Complainant's allegations and evidence. Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, section 3.1.4. The Panel finds that the Complainant has established that the Respondent registered the Domain Name in bad faith.

The Complainant has also established bad faith use under paragraph 4(b)(iv) of the Policy. The Domain Name is being used to direct Internet users to a website by creating a likelihood of confusion with the Complainant's mark. The site appears to generate pay-per-click revenue through links with titles related to the Complainant's consumer credit reporting business, which demonstrates that the Respondent intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's EQUIFAX trademark.

Accordingly, the Panel finds that the Complainant has met its burden of demonstrating bad faith registration and use in this case.

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 <quifax.com> be transferred to the Complainant.

/Michelle Brownlee/

Michelle Brownlee

Sole Panelist

Date: July 11, 2022