

ADMINISTRATIVE PANEL DECISION

BlockFi Inc. v. blue foot, bluefootinvestment
Case No. D2023-1091

1. The Parties

The Complainant is BlockFi Inc., United States of America (“United States”), represented by Haynes and Boone, LLP, United States of America.

The Respondent is blue foot, bluefootinvestment, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <blockficroptoworld.com> is registered with OwnRegistrar, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 10, 2023. On March 13, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 14, 2023, 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 March 21, 2023, 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 March 25, 2023.

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 March 28, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 17, 2023. The Center received an email from a third party on March 28, 2023.

The Center appointed Kaya Köklü as the sole panelist in this matter on May 2, 2023. 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 financial service company, founded in 2017 and active in providing financial services specializing in cryptocurrencies.

The Complainant is the owner of the BLOCKFI trademark. It is the owner of the United States trademark No. 5989814 for BLOCKFI, registered on February 18, 2020, with confirmed first use in commerce on January 12, 2018. It provides protection mainly for various cryptocurrency services and software as protected in class 36 and 42 (Annex 7 to the Complaint).

Since 2015, the Complainant further owns and operates its main website at <blockfi.com> since 2015 (Annex 9 to the Complaint).

The disputed domain name was registered on November 8, 2022. The Respondent is reportedly located in Nigeria.

At one time, the disputed domain name resolved to a website prominently featuring the Complainant's BLOCKFI trademark and creating the (false) impression that Internet users may create an account at the Complainant (Annex 8 to the Complaint). To support this (false) impression, the Respondent also prominently displayed a quote on cryptocurrency services from the Complainant's founder (Annex 8 to the Complaint).

At the time of the decision, the disputed domain name does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant requests the transfer of the disputed domain name.

The Complainant is of the opinion that the disputed domain name is confusingly similar to its BLOCKFI trademark.

It further argues that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

In addition, the Complainant is convinced that the Respondent has registered and is using the disputed domain name in bad faith.

B. Respondent

The Respondent did not submit any formal response to the Complainant's contentions.

However, on March 28, 2023, the Center received an email communication, asserting that the sender does not "have anything relating to the domain in question" and is freelancer only, who was "paid to build an investment website for a client". The sender of the email communication further confirmed that the disputed domain name "has been removed thus deleted".

The sender of this email communication neither revealed its own identity nor the name and contact details of

the client for which the sender allegedly worked for.

6. Discussion and Findings

According to paragraph 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.

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 name is identical or confusingly similar to a trademark 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.

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 replied to the Complainant's contentions. *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 section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

For the evaluation of this case, the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views stated therein.

A. Identical or Confusingly Similar

To begin with, the Panel confirms that the Complainant has satisfied the threshold requirement of having trademark rights in BLOCKFI.

The Panel further finds that the disputed domain name is confusingly similar to the Complainant's BLOCKFI trademark, as it fully incorporates the Complainant's 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 addition of "cryptoworld" does not, in view of the Panel, prevent a finding of confusing similarity between the disputed domain name and the Complainant's BLOCKFI trademark.

Accordingly, the Panel finds that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

While the burden of proof remains with the Complainant, the Panel recognizes that this would often result in the impossible task of proving a negative, in particular as the evidence needed to show the Respondent's rights or legitimate interests is 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 of evidence shifts to the Respondent to show that it has rights or legitimate interests in the disputed domain name 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 BLOCKFI trademark in a confusingly similar way within the disputed domain name.

There is also no indication in the current record that the Respondent is commonly known by the disputed domain name. In the absence of a substantive response, the Respondent has particularly 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 name.

Even more, the Panel notes that the nature of the disputed domain name carries a significant risk of implied affiliation or association and that such implied affiliation was clearly the intent of the Respondent. The Panel concludes that the disputed domain name was used to impersonate the Complainant, which amounts to an illicit use that can never confer rights or legitimate interests upon the Respondent. WIPO Overview, 3.0, section 2.13.

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 date of registration of the disputed domain name, the Respondent was apparently well aware of the Complainant and its BLOCKFI trademark. It is obvious to the Panel, that the Respondent has deliberately chosen the disputed domain name to target and mislead Internet users. Consequently, the Panel is convinced that the Respondent has registered the disputed domain name in bad faith.

Additionally, the Panel finds that the Respondent is using the disputed domain name in bad faith. The Panel particularly notes that previously, the disputed domain name resolved to a website creating the false impression to be operated by or at least associated with the Complainant, probably for the purpose of phishing or other fraudulent activities, e.g. by inviting misled Internet users to create a cryptocurrency account via the disputed domain name (Annex 8 to the Complaint).

Actually, the Panel cannot conceive of any plausible and legitimate use of the inherently misleading disputed domain name that would be in good faith, except with an authorization of the Complainant.

The fact that the disputed domain name does not currently resolve to an active website does not change the Panel's findings in this respect.

Taking all facts of the case into consideration, the Panel is convinced that this is a typical cybersquatting case, which the UDRP was designed to stop.

The Panel therefore concludes that the disputed domain name was registered and is 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 name, <blockfictoworld.com> be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Panel

Date: May 16, 2023