

## ADMINISTRATIVE PANEL DECISION

Early Warning Services, LLC v. Zelle., zelle; Zelle Support, Zelle; Zelle., Zelle; Zelle Pay, Zelle; Zelle., Zelle; Zelle Pay; Zelle., Zelle; Zelle Pay; Zelle., Zelle; Zelle., Zelle; Zelle., Zelle; Zelle Pay, Zelle pay; Zelle Pay, Zelle; Zelle Pay, Zelle pay; Zelle Pay, Zelle; Zelle., Zelle; Zelle pay; Zelle Pay, Zelle; , Zelle, Zelle; ZELLE PAY; Zelle.; Zelle., Zelle; Zelle.; Zelle., Zelle; zelle., Zelle; Zelle Pay; Zelle Pay; Zelle Pay, Zelle pay; Zelle® R, Zelle®; Zelle Pay, Zellepay; Zelle Pay; Zelle Pay, Zelle Pay; Zelle Pay, Zelle Pay; Zelle Pay, Zelle pay; DerrickRobert; Zelle Pay, Zelle pay; Zelle Pay; zelle pay, zellepaylogss.com; Zelle pay; Zelle Pay; zelle service, zelle; Zelle Pay, BRIGHT EKWERE; zelle pay, zelle; Zelle Pay; Zelle Pay, Zelle Pay; Zelle Quickpay, zelle quickpay; Zelle Pay, Zelle pay; BRIGHT EKWERE, Zelle Pay; Peter; Zelle., zelle  
Case No. D2023-2229

### 1. The Parties

The Complainant is Early Warning Services, LLC, United States of America (“United States”), represented by Bryan Cave Leighton Paisner, United States.

The Respondents are Zelle., zelle, Canada; Zelle Support, Zelle, United States; Zelle., Zelle, Canada; Zelle Pay, Zelle, United States; Zelle., Zelle, Canada; Zelle Pay, Nigeria; Zelle., Zelle, Canada; Zelle Pay, Nigeria; Zelle., Zelle, Canada; Zelle., Zelle, Canada; Zelle., Zelle, Canada; Zelle Pay, Zelle pay, United States; Zelle Pay, Zelle, United States; Zelle Pay, Zelle pay, United States; Zelle Pay, Zelle, United States; Zelle., Zelle, Canada; Zelle pay, United States; Zelle Pay, Zelle, Nigeria; , Zelle, Zelle, Canada; ZELLE PAY, United States; Zelle., Canada; Zelle., Zelle, Canada; Zelle., Canada; Zelle., Zelle, Canada; zelle., Zelle, Canada; Zelle Pay, United States; Zelle Pay, United States; Zelle Pay, Zelle pay, United States; Zelle® R, Zelle®, United States; Zelle Pay, Zellepay, United States; Zelle Pay, United States; Zelle Pay, Zelle Pay, United States; Zelle Pay, Zelle pay, United States; DerrickRobert, United States; Zelle Pay, Zelle pay, United States; Zelle Pay, Nigeria; zelle pay, zellepaylogss.com, United States; Zelle pay, United States; Zelle Pay, United States; zelle service, zelle, United States; Zelle Pay, BRIGHT EKWERE, Nigeria; zelle pay, zelle, United States; Zelle Pay, United States; Zelle Pay, Zelle Pay, United States; Zelle Quickpay, zelle quickpay, United States; Zelle Pay, Zelle pay, United States; BRIGHT EKWERE, Zelle Pay, Nigeria; Peter, United States; Zelle., zelle, Canada.

## 2. The Domain Names and Registrar

The disputed domain names <zelleapp.business>, <zelleapp.support>, <zelleapp.xyz>, <zellebankpay.net>, <zellebusiness.app>, <zellebusinessbank.org>, <zellebusinessemail.com>, <zellebusinesstransfer.com>, <zellecash.app>, <zellechats.com>, <zellecustomer.app>, <zellecustomer.net>, <zellecustomerpay.com>, <zellecustomerpay.net>, <zellecustomerpay.org>, <zelledown.com>, <zellefast.com>, <zellehelpservice.com>, <zellelimit.site>, <zellelogin.com>, <zellemail.app>, <zellemail.info>, <zellemail.net>, <zellemail.org>, <zelle-mailservice.com>, <zellenotificationsupport.com>, <zellenotificationsupport.com>, <zellenotificationtext.com>, <zelleonepaid.net>, <zelleonlinepayemail.com>, <zellepayalert.net>, <zellepayb.com>, <zellepaycustomer.org>, <zellepaye.com>, <zellepayinformation.com>, <zellepay.live>, <zellepaylogs.com>, <zellepaylogss.com>, <zellepaylogsss.com>, <zellepaymentonlineservices.com>, <zellepaynetwork.com>, <zellepay-service.com>, <zellepayservices.com>, <zellepaytransaction.net>, <zellepayus.com>, <zellequickpaybanks.com>, <zellereplynotification.com>, <zelle-serviceteam.com>, <zelleupgradeservices.com>, and <zelleuser.org> are registered with Google LLC (the “Registrar”).

## 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 19, 2023. On May 23, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On May 24, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 26, 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 May 30, 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 June 22, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 12, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 18, 2023.

The Center appointed Marilena Comanescu as the sole panelist in this matter on July 25, 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 together with its related and affiliated entities and licensees, is an international digital payment network. The Complainant’s Zelle electronic payment services enable individuals and companies to easily and safely transfer money between bank accounts. The Complainant’s services target a wide consumer base, and more than 1,800 financial institutions worldwide, including some of the world’s largest banks. In the fiscal year 2022, the Zelle services processed 2.3 billion transactions totaling USD 629 billion in payments.

The Complainant holds worldwide trademark registrations for ZELLE, such as the following:

- the United States Trademark Registration no. 5277307 for the word ZELLE, filed on March 9, 2016, and registered on August 29, 2017, and covering services in Nice class 36;
- the European Union Trademark Registration no. 16327009 for the word ZELLE, filed on February 7, 2017 and registered on June 2, 2017, and covering goods and services in Nice classes 9, 36, and 38; and
- the United States Trademark Registration No. 5,938,276 for the word ZELLEPAY, filed on March 9, 2016 and registered on December 17, 2019, and covering goods and services in Nice class 36.

The Complainant holds numerous domain names, and promotes its business on the website under the domain names <zelle.com> and <zellepay.com>.

The disputed domain names were registered as follows:

- <zellebusinessemail.com>, <zellehelpservice.com>, <zelle-mailservice.com> were registered on December 23, 2022;
- <zellepay-service.com> was registered on December 24, 2022;
- <zellebusinessbank.org> was registered on December 26, 2022;
- <zellebusinesstransfer.com>, <zelleupgradeservices.com> were registered on December 27, 2022;
- <zellepaylogs.com>, <zellepayservices.com> were registered on December 28, 2022;
- <zellenotificationtext.com>, <zelle-serviceteam.com> were registered on January 5, 2023;
- <zelleapp.support> was registered on January 6, 2023;
- <zellemail.app>, <zellemail.info>, <zellemail.net>, <zellepaylogss.com> were registered on January 8, 2023;
- <zellebankpay.net>, <zellelogin.com>, <zellepaye.com> were registered on January 9, 2023;
- <zellenotificationsupport.com>, <zelleonepaid.net> were registered on January 10, 2023;
- <zellenotificationsupport.com> was registered on January 13, 2023;
- <zellepayalert.net>, <zellepay.live>, <zellepaylogsss.com> were registered on January 14, 2023;
- <zellepaymentonlineservices.com>, <zellepaynetwork.com> were registered on January 15, 2023;
- <zelleapp.business>, <zellebusiness.app>, <zellecash.app> were registered on January 17, 2023;
- <zelleapp.xyz>, <zelledown.com>, <zellefast.com>, <zellemail.org> were registered on February 2, 2023;
- <zelleonlinepayemail.com> was registered on February 3, 2023;
- <zellecustomer.net> was registered on February 4, 2023;
- <zellepayb.com> was registered on February 5, 2023;
- <zellechats.com>, <zellecustomer.app>, <zellelimit.site> were registered on February 8, 2023;

- <zellecustomerpay.net>, <zellecustomerpay.org> were registered on February 9, 2023;
- <zellepaycustomer.org>, <zellepayinformation.com>, <zellereplynotification.com> were registered on February 10, 2023;
- <zellepayus.com>, <zellequickpaybanks.com> were registered on February 11, 2023;
- <zellepaytransaction.net> was registered on February 13, 2023;
- <zellecustomerpay.com>, and <zelleuser.org> were registered on February 14, 2023.

At the time of filing the Complaint, according to evidence provided as Annex 2 to the Complaint, all the disputed domain names resolved to error pages.

## 5. Parties' Contentions

### A. Complainant

The Complainant contends that the disputed domain names are confusingly similar to its well-known trademark, the Respondent has no rights or legitimate interests in the disputed domain names, and the Respondent registered and is using the disputed domain names in bad faith.

Furthermore, the Respondent is a serial cybersquatter registering over 300 domain names in the last six months, 46 domain names including the ZELLE trademark were transferred to the Complainant, see *Early Warning Services, LLC vs. Zelle Support et al.*, WIPO Case No. [D2022-4480](#).

The Complainant requests the transfer of the disputed domain names to it.

### B. Respondent

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

## 6. Discussion and Findings

In view of the absence of a Response, the discussion and findings will be based upon the contentions in the Complaint and any reasonable position that can be attributable to the Respondent. Under paragraph 4(a) of the Policy, a complainant can only succeed in an administrative proceeding under the Policy if the following circumstances are met:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) the respondent has no rights or legitimate interests in the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

The Panel will further analyze the potential concurrence of the above circumstances.

### A. Preliminary Procedural Issue. Consolidation of Multiple Disputed Domain Names and Respondents

According to the provisions of paragraph 10(e) of the Rules, the Panel has the power to decide the consolidation of multiple domain names disputes. Further, paragraph 3(c) of the UDRP Rules provides that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In the present case, there are fifty disputed domain names, several sets of registrant details, and one Registrar.

The present disputed domain names: (i) the Whois data for all of them identified the Registrant (*i.e.* the “named Respondent”) as “Contact Privacy Inc. Customer 7151571251”; (ii) were registered within a short timeframe from each other, some even in the same day, all between December 23, 2022 up to February 14, 2023; (iii) are all connected to inactive/error webpages; (iv) are all registered with the same Registrar; (v) were created in a similar manner, reproducing the Complainant’s trademarks ZELLE or ZELLEPAY followed by additional terms.

The Respondents had the opportunity to comment on the consolidation request made by the Complainant but they chose to remain silent.

For the above, the Panel finds that the disputed domain names are registered by the same person or are under common control, and would be equitable and procedurally efficient to decide the consolidation of multiple disputed domain names and the Respondents in the present procedure. See also section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”). Accordingly, hereinafter the Panel will refer to the singular “Respondent”.

## **B. Identical or Confusingly Similar**

The Panel finds that the Complainant holds rights in the ZELLE and ZELLEPAY trademarks.

All the disputed domain names incorporate the Complainant’s trademarks with additional terms such as: “app”, “bank”, “pay”, “business”, “email”, “transfer”, “cash”, “chats”, “customer”, “down”, “fast”, “help”, “service”, “limit”, “login”, “mail”, “service”, “notification”, “support”, “text”, “one”, “paid”, “online”, “alert”, “payb”, “paye”, “information”, “logs”, “logss”, “logsss”, “mentonlineservices”, “network”, “services”, “transaction”, “payus”, “quick”, “banks”, “replynotification”, “serviceteam”, “upgradeservices”, and “user”.

However, such additions do not prevent a finding of confusing similarity as the Complainant’s trademarks are clearly recognizable within the disputed domain names. Numerous UDRP panels have considered that the addition of other terms (whether geographical, descriptive, pejorative, meaningless or otherwise) to trademarks in a domain name does not avoid a finding of confusing similarity. See section 1.8 of the [WIPO Overview 3.0](#).

Further, it is well established in decisions under the UDRP that the generic Top-Level Domain (“gTLD”) (*e.g.*, “.com”, “.app”, “.org”, “.live”, “.site”, “.info”, “.net”) may typically be disregarded for the purposes of consideration of confusing similarity between a trademark and a domain name. See section 1.11.1 of the [WIPO Overview 3.0](#).

Given the above, the Panel finds that the disputed domain names are confusingly similar to the trademarks ZELLE and ZELLEPAY, pursuant to the Policy, paragraph 4(a)(i).

## **C. Rights or Legitimate Interests**

The Complainant asserts that the Respondent does not hold any trademark rights, license, or authorization whatsoever to use the marks ZELLE and ZELLEPAY, that the Respondent is not commonly known by the disputed domain names and that the Respondent has not used the disputed domain names in connection with a legitimate noncommercial or fair use or a *bona fide* offering of goods or services.

In line with the case law, “where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element”. See section 2.1 of the [WIPO Overview 3.0](#).

The Complainant has put forward a *prima facie* case that the Respondent does not have any rights or legitimate interests in the disputed domain names. The Respondent has not replied to the Complainant's contentions and has not come forward with relevant evidence to rebut the Complainant's *prima facie* case. There is nothing in the record suggesting that the Respondent has ever been commonly known by the disputed domain names or that the Respondent made a *bona fide* offering of goods or services or a legitimate noncommercial use under the disputed domain names.

According to the evidence provided in the Complaint, all the disputed domain names are inactive and this does not amount to a *bona fide* or legitimate use. Moreover, the composition of the disputed domain names cannot constitute fair use as they carry a risk of implied affiliation to the Complainant. See section 2.5.1 of the [WIPO Overview 3.0](#).

For all these reasons, the Panel finds that the second element of the Policy is established, and the Respondent has no rights or legitimate interests in respect of the disputed domain names, pursuant to the Policy, paragraph 4(a)(ii).

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

The Complainant holds trademark rights and promotes its business under the domain names <zelle.com> and <zellepay.com> since at least 2017, and the ZELLE and ZELLEPAY trademarks have gained international reputation in the financial industry.

The disputed domain names were registered between December 2022 and February 2023, and incorporate the Complainant's trademarks followed by additional words related to the Complainant's industry (such as "financial", "pay", "cash", "bank", "transfer", "customer") and/or terms with misspellings/without meaning (such as "logs", "logsss", "services").

From the above, the Panel finds that the Respondent was aware of the Complainant, its business, and trademarks at the registration of the disputed domain names.

At the time of filing the Complaint, all fifty disputed domain names were not connected to active websites. From the inception of the UDRP, panels have found that the non-use of a domain name (including a blank or "coming soon" or other similar inactive page) would not prevent a finding of bad faith under the doctrine of passive holding. The Panel must examine all the circumstances of the case to determine whether the Respondent is acting in bad faith. Examples of what may be relevant circumstances found to be indicative of bad faith include the degree of distinctiveness or reputation of the complainant's mark and the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good faith use. See section 3.3 of the [WIPO Overview 3.0](#).

As previously mentioned, the disputed domain names incorporate the Complainant's famous trademarks with additional descriptive terms and are confusingly similar to the Complainant's domain names, the Respondent failed to participate in this proceeding and to put forward any argument in its favor and the Panel cannot see any possible good faith use to which the disputed domain names may be put by the Respondent.

Paragraph 4(b)(ii) of the Policy provides another circumstance of bad faith registration and use when the respondent registered the disputed domain name in order to prevent the owner of the trademark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct. The Panel finds that registering for at least fifty disputed domain names reflecting the Complainant's trademarks, within a short timeframe, can be considered a pattern of abusive conduct and registration of the disputed domain names in bad faith. See section 3.1.2 of the [WIPO Overview 3.0](#).

Furthermore, according to the Complainant's allegations, the Respondent appears to be a serial cybersquatter, being involved in numerous UDRP disputes. See for example *Early Warning Services, LLC vs. Zelle Support et al.*, *supra*.

For all the above reasons, the Panel finds that the Respondent registered and is using the disputed domain names in bad faith, pursuant to the 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 disputed domain names <zelleapp.business>, <zelleapp.support>, <zelleapp.xyz>, <zellebankpay.net>, <zellebusiness.app>, <zellebusinessbank.org>, <zellebusinessemail.com>, <zellebusinessstransfer.com>, <zellecash.app>, <zellechats.com>, <zellecustomer.app>, <zellecustomer.net>, <zellecustomerpay.com>, <zellecustomerpay.net>, <zellecustomerpay.org>, <zelledown.com>, <zellefast.com>, <zellehelpservice.com>, <zellelimit.site>, <zellelogin.com>, <zellemail.app>, <zellemail.info>, <zellemail.net>, <zellemail.org>, <zelle-mailservice.com>, <zellenotificationsupport.com>, <zellenotificationsupport.com>, <zellenotificationtext.com>, <zelleonepaid.net>, <zelleonlinepayemail.com>, <zellepayalert.net>, <zellepayb.com>, <zellepaycustomer.org>, <zellepaye.com>, <zellepayinformation.com>, <zellepay.live>, <zellepaylogs.com>, <zellepaylogss.com>, <zellepaylogsss.com>, <zellepaymentonlineservices.com>, <zellepaynetwork.com>, <zellepay-service.com>, <zellepayservices.com>, <zellepaytransaction.net>, <zellepayus.com>, <zellequickpaybanks.com>, <zellereplynotification.com>, <zelle-serviceteam.com>, <zelleupgradeservices.com>, and <zelleuser.org> be transferred to the Complainant.

*/Marilena Comanescu/*

**Marilena Comanescu**

Sole Panelist

Date: August 2, 2023