

ADMINISTRATIVE PANEL DECISION

Equifax Inc. v. Credit Desk, Equifax Inc.

Case No. D2023-2551

1. The Parties

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

Respondent is identified as Credit Desk, Equifax Inc.

2. The Domain Name and Registrar

The disputed domain name <equifaxmail.net> is registered with Google LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 13, 2023. On June 14, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 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 (Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to Complainant on June 19, 2023 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 June 19, 2023.

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 June 20, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 10, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on July 14, 2023.

The Center appointed Lynda J. Zadra-Symes as the sole panelist in this matter on July 24, 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

Complainant provides information solutions and human resources business process outsourcing services for businesses, governments, and consumers. Complainant was incorporated in Georgia (USA) in 1913. Complainant is headquartered in Atlanta and operates or has investments in 24 countries in North America, Central and South America, Europe, and the Asia Pacific Region. Complainant is a member of Standard & Poor's (S&P's) 500 Index and employs approximately 11,000 people worldwide. Among its services, Complainant 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.

Complainant owns at least 221 trademark registrations in at least 56 jurisdictions around the world for marks that consist of or contain the word "equifax" for use in connection with insurance risk information reporting services concerning potential policy holders, conducting investigations and reporting on individuals and firms concerning credit, character and finances, and related goods and services. Complainant's registrations for the EQUIFAX trademark in the United States include:

- EQUIFAX Registration No. 1,027,544 registered December 16, 1975
- EQUIFAX Registration No. 1,045,574 registered August 3, 1976
- EQUIFAX Registration No. 1,644,585 registered May 14, 1991

Complainant owns the domain name <equifax.com>, which was created on February 21, 1995, and uses that domain name in connection with its primary website.

Complainant has prevailed in (and cited in its Complaint) numerous proceedings under various domain name dispute policies for domain names that are identical or confusingly similar to the EQUIFAX trademark.

The disputed domain name was created on December 26, 2022. Respondent has configured MX records for the disputed domain name, enabling Respondent to send and receive email with addresses that use the disputed domain name.

5. Parties' Contentions

A. Complainant

Complainant contends that the disputed domain name is identical and confusingly similar to Complainant's EQUIFAX trademark, that Respondent has no rights or legitimate interests in respect of the disputed domain name and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

In order to succeed in its claim, Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

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

Paragraph 15(a) of the Rules instructs the Panel to decide a complaint “on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

A. Identical or Confusingly Similar

Complainant has demonstrated that it has rights in the trademark EQUIFAX in connection with insurance risk information reporting services, investigations and reporting on individuals concerning credit, character and finances, and related goods and services. The disputed domain name includes Complainant’s mark in its entirety with the addition of the word “mail.” The additional term “mail” is an English word which does not prevent Complainant’s trade mark from being recognizable in the disputed domain name and does not avoid a finding of confusing similarity. The “.net” Top-Level Domain (“TLD”) is a standard registration requirement and as such is disregarded under the confusing similarity test.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to Complainant’s trademark.

B. Rights or Legitimate Interests

Complainant contends that Respondent is not affiliated with or connected to Complainant in any way. At no time has Complainant assigned, granted, licensed, sold, transferred, or in any way authorized Respondent to register or use the EQUIFAX trademark in any manner, including in the disputed domain name. The record is devoid of any facts that establish any rights or legitimate interests of Respondent in the disputed domain name. There is no evidence that Respondent has been commonly known by the disputed domain name or that it ever acquired any trademark or service mark rights in the disputed domain name. Respondent has not used the disputed domain name in connection with an active website or in connection with a *bona fide* offering of goods or services. Respondent is not 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.

Accordingly, the Panel finds that Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and used in Bad Faith

“[T]he 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](#). Complainant has established that the EQUIFAX trademark is well-known. Complainant’s EQUIFAX mark was first used and registered 48 years ago. In addition, previous panels have referred to the EQUIFAX trademark as “well-known.” (*Equifax Inc. v. Super Privacy Service LTD c/o Dynadot / Babacan Gunduz*, WIPO Case No. [D2021-3814](#); and *Equifax Inc. v. Domain Controller, Yoyo Email / Yoyo.Email Ltd.*, WIPO Case No. [D2015-0880](#)). It is implausible that Respondent was unaware of Complainant when it registered the disputed domain name.

In addition, Complainant has established bad faith under the doctrine of “passive holding”, given that Respondent is not using the domain name in connection with active website, the EQUIFAX mark is well-known, Respondent’s identity is concealed in the Whois record and there is no record of any good faith basis for which the disputed domain name could be used. Moreover, Complainant submitted evidence that Respondent has established MX records for the disputed domain name, which enables Respondent to use the disputed domain name to send and receive email. This is further evidence of bad faith because it gives

rise to the strong possibility that Respondent intended or intends to use the disputed domain name to send emails as part of a fraudulent phishing scheme.

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 <equifaxmail.net> be transferred to Complainant.

/Lynda J. Zadra-Symes/

Lynda J. Zadra-Symes

Sole Panelist

Date: August 7, 2023