

ADMINISTRATIVE PANEL DECISION

Principal Financial Services, Inc. v. White Cole
Case No. D2023-3039

1. The Parties

Complainant is Principal Financial Services, Inc., United States of America (the “United States”), represented by Neal & McDevitt, United States.

Respondent is White Cole, United States.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 14, 2023. On July 17, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 17, 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 named Respondent (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on July 18, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on July 23, 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 Respondent of the Complaint, and the proceedings commenced on August 3, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 23, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on August 24, 2023.

The Center appointed Lynda J. Zadra-Symes as the sole panelist in this matter on September 4, 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 is a publicly-traded (NASDAQ; PFG) multi-national financial services institution offering, through its licensees, member companies and affiliates, a broad range of services in the insurance, financial, investment, banking, retirement, global asset management, real estate, and healthcare sector, among others. Complainant owns a family of PRINCIPAL service marks in many jurisdictions throughout the world. Complainant also owns numerous registrations for those marks, including United States Registration No. 1562541 for the mark PRINCIPAL registered on October 24, 1989. Through its predecessor-in-interest, Complainant, has used its PRINCIPAL mark in connection with financial analysis and consulting, management of securities and securities brokerage services since at least as early as 1960.

Complainant also owns registrations for domain names <principal.com>, <principalbank.com>, <principalfinancial.com>, <principalfinancialgroup.com>, and <principalfinancialgrp.com>, among others. Complainant uses the domain name <principalam.com> in connection with its business done under the mark PRINCIPAL.

Complainant has invested in excess of one billion U.S. dollars in its PRINCIPAL marks over the years. Numerous UDRP panels have held Complainant's PRINCIPAL mark to be well-known in connection with financial services and related services.

The disputed domain name was registered on June 14, 2023. The disputed domain name is a slight misspelling of one of Complainant's legitimate domain names, <princlpalam.com> rather than <principalam.com>. Complainant submitted evidence that Respondent has used the disputed domain name in an email address purporting to be in the name of an employee associated with Complainant.

Complainant became aware of the disputed domain name through an email sent on June 15, 2023, purporting to be from Complainant's employee. The following contents of the email message (translated into English from French) show that it is being sent to an actual customer in an attempt to obtain account information and is pretending to come from one of Complainant's affiliates' employees:

"Hello Lin,

Effective immediately, we have changed our payment instructions to accept all current, overdue and future payments. To ensure that your payments are consistently credited to our account correctly, please update your system with our updated payment instructions. Once you have acknowledged receipt of this email, you will forward a copy accordingly. We apologize for the inconvenience caused.

Thank you so much.
Best regards,

[Employee name]
Fund Manager"

The fake email account copies and displays Complainant's stylized "P" mark in the signature of the email message, adjacent to Complainant's PRINCIPAL mark.

5. Parties' Contentions

A. Complainant

Complainant contends that the disputed domain name is confusingly similar to Complainant's trademark, that Respondent has no rights or legitimate interests in respect of the disputed domain name and that the disputed domain name has been 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 PRINCIPAL in connection with financial services, insurance, investment, banking retirement, global asset management services, among others. The disputed domain name is an example of "typosquatting" of Complainant's mark. The disputed domain name differs by only one letter –the letter "l" replaces the letter "i".

The Top-Level-Domain suffix is a standard registration requirement and is typically disregarded under the confusingly 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 licensed or otherwise endorsed, sponsored or authorized Respondent to use Complainant's mark or to register 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 has any rights that might predate Complainant's adoption and use of its mark.

Respondent has not made, and is not making, a legitimate noncommercial or fair use of the disputed domain name. Respondent has not used the disputed domain name in connection with the *bona fide* offering of goods or services. To the contrary, Respondent is using the disputed domain name in a fraudulent email scheme to imitate Complainant for the purpose of obtaining confidential financial account information from Complainant's customers. The fake email account copies and displays Complainant's stylized "P" mark in the signature of the email message.

The record indicates that Respondent was well aware of Complainant's mark and used the disputed domain name to deceive Complainant's customer into providing confidential account information for Respondent's fraudulent and financial benefit.

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

The record indicates that Respondent deliberately registered and used the disputed domain name for a fraudulent email scheme designed to obtain confidential financial account information from Complainant's customers.

Thus, the record indicates that Respondent was well aware of Complainant's trademark, logo, and business when it registered the disputed domain name and deliberately used the disputed domain name to deceive Complainant's customers into mistakenly believing that they were providing confidential financial account details directly to Complainant, which is false.

The Panel finds that the disputed domain name has been registered and is being used in bad faith.

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, <princplalam.com>, be transferred to Complainant.

/Lynda J. Zadra-Symes/

Lynda J. Zadra-Symes

Sole Panelist

Date: September 18, 2023