

ADMINISTRATIVE PANEL DECISION

Equifax Inc. v. DNS Admin, Buntai LTD

Case No. D2023-3504

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 DNS Admin, Buntai LTD, Switzerland.

2. The Domain Name and Registrar

The disputed domain name <mayequifax.com> is registered with Key-Systems GmbH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 18, 2023. On August 18, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 21, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 22, 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 amendment to the Complaint on August 23, 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 the Respondent of the Complaint, and the proceedings commenced on August 24, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 13, 2023. The Respondent requested and was granted the automatic four calendar day extension for Response under paragraph 5(b) of the Rules and the due date was extended to September 17, 2023 accordingly. The Respondent did not submit any formal response. Accordingly, the Center notified the parties that it would proceed to panel appointment on September 21, 2023.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on September 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 provides credit reporting services and owns the following trademark registrations for EQUIFAX:

- United States Trademark registration, No. 1027544 registered on December 16, 1975;
- United States Trademark registration, No. 1644585 registered on May 14, 1991.

The Respondent registered the disputed domain name on June 8, 2023. The disputed domain name resolves to a website hosting Pay-Per-Click (“PPC”) links relating to credit reports.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights. The disputed domain name contains the Complainant’s trademark in its entirety adding the word “may”, which does not prevent a finding of confusing similarity. The generic Top-Level Domain (“gTLD”) “.com” may be ignored.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not authorized by the Complainants to use its trademark nor is the trademark licensed or assigned or sold or transferred to the Respondent. The Respondent is not using the disputed domain name in connection with a *bona fide* offering of goods or services as the disputed domain name redirects users to a website with PPC links relating to the Complainant’s services. The Respondent is not commonly known by the disputed domain name and never acquired any trademark rights in the disputed domain name. The Whois record does not suggest that the Respondent is commonly known by the disputed domain name as the Respondent has been using a privacy service. The disputed domain name is used in connection with a monetized parking page, which is commercial use. There is no noncommercial or fair use of the disputed domain name.

The Complainant contends that the disputed domain name was registered and is being used in bad faith.

The Complainant’s trademark is well known and registered across numerous countries and has been in use for 48 years. The Respondent knew or must have known of the Complainant’s trademark. This is a case of opportunistic bad faith. The Respondent is attempting to obtain commercial benefit by attracting Internet users based on confusion with the Complainant’s trademark. The use of PPC links is further evidence of bad faith. Another evidence of bad faith is that the Complainant’s trademark has been registered and in use for 48 years.

B. Respondent

The Respondent sent a communication on September 7, 2023, through its legal counsel rejecting all allegations made and requesting an extension to settle the matter with the Complainant. The Center granted the Respondent the automatic four calendar day extension for response under paragraph 5(b) of the Rules. No other communication was sent by the Respondent. The Panel notes that the Parties did not reach a settlement in the matter.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant owns trademark registrations for the trademark EQUIFAX. The Panel is satisfied that the Complainant has established its ownership of the trademark. The disputed domain name incorporates the Complainant's trademark EQUIFAX in its entirety adding the letters "may", which do not eliminate confusion. The gTLD ".com" can be ignored when assessing confusing similarity as it is a standard registration requirement.

Consequently, the Panel finds that the disputed domain name is confusingly similar to the trademark of the Complainant and that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make at least a *prima facie* showing that a respondent does not have any rights or legitimate interests in the disputed domain name. Once such showing is made, the burden of production shifts to the respondent. In the instant case, the Complainant asserts, amongst other things, that the Respondent is not authorized by the Complainant to use its trademark. Therefore, the Complainant has established a *prima facie* case and the burden of production shifts to the Respondent to show that it has rights or legitimate interests.

UDRP panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a *bona fide* offering where such links capitalize on the reputation and goodwill of the complainant's mark. The PPC links relate to credit reports, which is one of the services provided by the Complainant. Accordingly, the Panel is of the view that the Respondent is trying to capitalize on the reputation and goodwill of the Complainant's mark. In *Legacy Health System v. Nijat Hassanov*, WIPO Case No. [D2008-1708](#), it was found that the respondent had no rights or legitimate interests as "the sole purpose of the disputed domain name is to resolve to pay-per-click advertising websites and collect click-through revenue from advertising links. Such use demonstrates that the Respondent has used the disputed domain name to derive a commercial benefit. There is no indication on the website that the Respondent has made a *bona fide* use of the disputed domain name".

The Respondent failed to respond to the Complainant's assertions with anything more than a general denial of the Complainant's allegations.

Consequently, the Panel finds that the Complainant has met the requirement under the Policy of showing that the Respondent does not have any rights or legitimate interests in the disputed domain name. Accordingly, the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Respondent must have known about the Complainant's business and trademark for the following reasons:

1. The Complainant had been in operation for almost half a century and is amongst the leaders in its field.
2. The disputed domain name resolves to a website with PPC links relating to the Complainant's services.
3. The disputed domain name was registered decades after the registration of the Complainant's trademark.

Given that the disputed domain name resolves to a page with PPC links, there is bad faith use in the current circumstances. In *Mpire Corporation v. Michael Frey*, WIPO Case No. [D2009-0258](#), the Panel found that "While the intention to earn click-through-revenue is not in itself illegitimate, the use of a domain name that is deceptively similar to a trademark to obtain click-through-revenue is found to be bad faith use".

Such conduct of using a domain name, to attract Internet users for commercial gain, would fall squarely within the meaning of paragraph 4(b)(iv) of the Policy. Given the above, the Panel believes that the Respondent has registered the disputed domain name in order to trade off the reputation of the Complainant's trademark.

Accordingly, the Panel finds that the Complainant has satisfied 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, <mayequifax.com>, be transferred to the Complainant.

/Nayiri Boghossian/

Nayiri Boghossian

Sole Panelist

Date: September 26, 2023