

ADMINISTRATIVE PANEL DECISION

Equifax Inc. v. Wesley Karr
Case No. D2023-4150

1. The Parties

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

The Respondent is Wesley Karr, United States.

2. The Domain Name and Registrar

The disputed domain name <equifax.com> is registered with Sea Wasp, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 5, 2023. On October 5, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 6, 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 October 12, 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 October 12, 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 October 17, 2023. In accordance with the Rules, paragraph 5, the due date for Response was November 6, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 9, 2023.

The Center appointed Kathryn Lee as the sole panelist in this matter on November 16, 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 global data, analytics, and technology company with headquarters in Atlanta, State of Georgia, United States, and operations in 24 countries. Among its services, the Complainant offers a credit reporting service that provides consumers with a summary of their credit history. The Complainant is a member of Standard & Poor's 500 Index, and its common stock is traded on the New York Stock Exchange. The Complainant started using the EQUIFAX mark in 1975, and owns around 221 trademark registrations for the mark in around 56 jurisdictions, including United States Trademark Registration Number 1,027,544 registered on December 16, 1975, United States Trademark Registration Number 1,045,574 registered on August 3, 1976, and United States Trademark Registration Number 1,644,585 registered on May 14, 1991.

The Respondent appears to be an individual with an address in the United States.

The disputed domain name was registered on October 28, 2005, and as of the date of the filing of the Complaint, resolved to the website at the domain name <experian.com>.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to the EQUIFAX trademark since the disputed domain name contains the EQUIFAX trademark in its entirety simply with an additional letter "a". The Complainant contends that a domain name which consists of a common, obvious, or intentional misspelling of a trademark should be considered to be confusingly similar to the relevant mark.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name and confirms that it has not authorized or licensed rights to the Respondent in any respect. The Complainant further contends that the disputed domain name resolves to a website at the domain name <experian.com> which is a website of the Complainant's competitor, and that such use does not confer rights or legitimate interests on the Respondent.

Finally, the Complainant contends that the disputed domain name was registered and used in bad faith. The Complainant contends that the mere registration of a domain name that is confusingly similar to the well-known mark of the Complainant by the Respondent, who is unaffiliated with the Complainant, creates a presumption of bad faith, and that it is implausible for the Respondent to have been unaware of the Complainant given the fame of the EQUIFAX trademark. Further, the Complainant contends that by redirecting visitors to the website of Experian, which is one of the Complainant's main competitors, the Respondent is creating a likelihood of confusion with the EQUIFAX trademark, which constitutes bad faith. The Complainant also contends that the Respondent has established mail exchange ("MX") records for the disputed domain name, allowing the disputed domain name to send and receive emails, and that there is a strong possibility that the Respondent will use the disputed domain name to send emails as a part of a phishing scheme.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has demonstrated with supporting evidence that it has rights to the trademark EQUIFAX. As for the disputed domain name, it is composed of the exact same letters as the Complainant's mark, only with the additional letter "a" in the middle of the mark. According to WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.9, "[a] domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element," an example of a common misspelling is the addition of another letter. Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark.

For the reason mentioned above, the Panel finds that the first element has been established.

B. Rights or Legitimate Interests

On the basis of the present record as set out above, the Panel finds that the Complainant has made the required allegations to support a *prima facie* case showing that the Respondent has no rights or legitimate interests in the disputed domain name. Once such a *prima facie* case has been established, the burden of production shifts to the Respondent to demonstrate its rights or legitimate interests in the disputed domain name, with the burden of proof always remaining with the Complainant ([WIPO Overview 3.0](#), section 2.1). However, the Respondent in this case has chosen to file no Response to these assertions by the Complainant, and there is no evidence or allegation in the record that would warrant a finding in favor of the Respondent on this point.

Further, the disputed domain name redirected visitors to the website of one of the Complainant's competitors, which is not used in connection with a *bona fide* offering of goods or services and does not confer rights or legitimate interests on the Respondent.

For the reasons provided above, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, and that the second element has been established.

C. Registered and Used in Bad Faith

The Panel finds that there is sufficient evidence to find bad faith in this case.

First of all, the registration of the disputed domain name which is confusingly similar to the Complainant's well-known EQUIFAX mark by the Respondent, who is unaffiliated with the Complainant, creates a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4.

In addition, the Respondent likely knew of the Complainant and the Complainant's trademark when registering the disputed domain name. For one, it is a well-known mark, and secondly, the disputed domain name is an obvious misspelling of the Complainant's mark. The Respondent has not provided any explanation for having registered the disputed domain name, and with no response to claim otherwise, the Panel finds that it is more probable that the Respondent learned of the availability of the disputed domain name and registered it with the intention of benefiting from the fame of the EQUIFAX trademark. Indeed, panels have found that redirecting a domain name to the website of a competitor supports a finding that the respondent registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark. See [WIPO Overview 3.0](#), section 3.1.4.

In addition, the Respondent has engaged in a pattern of bad faith conduct, registering domain names targeting the Complainant. Specifically, the Respondent was the respondent in three other WIPO domain name dispute cases involving domain names that the panels concluded were confusingly similar to the Complainant's EQUIFAX mark. The panels in all three cases concluded that the Respondent's registration

and use of the domain names constituted bad faith and ordered that the domain names be transferred to the Complainant (*Equifax Inc. v. Wesley Karr*, WIPO Case No. [D2023-3413](#) (<uquifax.com>), *Equifax Inc. v. Wesley Karr, Speedplexer, Inc.*, WIPO Case No. [D2022-4430](#) (<equifax.com>), *Equifax Inc. v. Wesley Karr*, WIPO Case No. [D2022-4190](#) (<equifax.com>)).

For the reasons given above, the Panel finds that the third element has been established.

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 <equifax.com> be transferred to the Complainant.

/Kathryn Lee/

Kathryn Lee

Sole Panelist

Date: November 30, 2023