

ADMINISTRATIVE PANEL DECISION

Equifax Inc. v. dns admin, Domain Privacy LTD
Case No. D2023-4715

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 ns admin, Domain Privacy LTD, United States.

2. The Domain Name and Registrar

The disputed domain name <iquifax.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 November 14, 2023. On November 14, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 20, 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 Complainant on November 27, 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 November 27, 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”). The Center appointed Lorelei Ritchie as the sole panelist in this matter on December 22, 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 company based in the United States. For decades prior to the registration of the disputed domain name, Complainant has offered credit monitoring and other services under the mark EQUIFAX. Complainant owns numerous registrations for the EQUIFAX mark. These include, among others, United States Registration No. 1027544 (registered on December 16, 1975). In addition, Complainant owns the registration for the domain name <equifax.com> (registered on February 21, 1995), which Complainant uses to connect with consumers, and to provide information about services offered under its EQUIFAX mark.

The disputed domain name was registered on March 10, 2006. Respondent has used the URL associated with the disputed domain name to redirect to a website that mentions a “Security Alert” and invites Internet users to click to “scan.” Complainant has not authorized any activities by Respondent, nor any use of its trademarks thereby.

5. Parties’ Contentions

A. Complainant

Complainant contends that (i) the disputed domain name is identical or confusingly similar to Complainant’s trademarks; (ii) Respondent has no rights or legitimate interests in the disputed domain name; and (iii) Respondent registered and is using the disputed domain name in bad faith.

In particular, Complainant contends that its EQUIFAX mark has garnered significant commercial success, resulting in over USD 5.122 billion in operating revenue for Complainant’s business in 2022. Complainant further contends that Respondent has incorporated in full its EQUIFAX mark, with an intentional misspelling. Complainant asserts that Respondent has no rights or legitimate interest in the domain name registration or use of the disputed domain name. Rather, Complainant contends that Respondent has acted in bad faith in setting up a website aimed to perpetrate a “tech support scam” and thus, trade on Complainant’s good will, and to confuse consumers as to the source of ownership of the disputed domain name. Complainant thus asserts that Respondent has used Complainant’s mark for Respondent’s own commercial gain.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

This Panel must first determine whether the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy. The Panel finds that it is.

The disputed domain name incorporates in full Complainant’s EQUIFAX mark, but with a clear and obvious misspelling. This indicates a practice commonly known as “typosquatting,” where a domain name registrant deliberately registers common misspellings of a well-known mark in order to divert consumer traffic. Other UDRP panels have routinely found typosquatted domain names like these to be “confusingly similar” for purposes of a finding under the UDRP. See *Credit Karma, Inc. v. Domain Admin, Whols Privacy Corp.*,

WIPO Case No. [D2017-0194](#). See also WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.9.

The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Policy provides some guidance to respondents on how to demonstrate rights or legitimate interests in the domain name at issue in a UDRP dispute. For example, paragraph 4(c) of the Policy gives examples that might show rights or legitimate interests in a domain name. These examples include: (i) use of the domain name “in connection with a *bona fide* offering of goods or services;” (ii) demonstration that Respondent has been “commonly known by the domain name;” or (iii) “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.”

Furthermore, and considering that Respondent is presumably using the disputed domain name for an illegal activity, namely, to perpetrate a “tech support scam” which would allow the undue gathering of personal data from Internet users, is that no rights or legitimate interests could be inferred in favor of Respondent.

[WIPO Overview 3.0](#), section 2.13.

Respondent did not submit a reply to Complainant’s contentions, and Respondent did not allege or otherwise provide any information that would support a finding that Respondent has rights or legitimate interest in the disputed domain name. Accordingly, the Panel finds that Complainant has made a *prima facie* showing of Respondent’s lack of rights or legitimate interest in the disputed domain name in accordance with paragraph 4(a)(ii) of the Policy, which Respondent has not rebutted.

C. Registered and Used in Bad Faith

There are several ways that a complainant can demonstrate that a domain name was registered and used in bad faith. For example, paragraph 4(b)(iv) of the Policy states that bad faith can be shown where “by using the domain name [respondent has] intentionally attempted to attract, for commercial gain, Internet users to [respondent’s] website or other on-line location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of [respondent’s] website or location or of a product or service on [the] website or location.” As noted in Section 4 of this Panel’s decision, Respondent has used the URL associated with the disputed domain name to resolve to a website that mentions a “Security Alert” and invites users to click to “scan.” Respondent is thus trading on the goodwill of Complainant’s well-known trademark to attract Internet users, presumably for Respondent’s own commercial gain and to potentially incur in illegal activity by the undue gathering of personal data from Internet users. See also *Equifax Inc. v. WhoisGuard, Inc. / Dress Rweesss*, WIPO Case No. [D2018-2309](#) *Equifax Inc. v. Domain Administrator, China Capital Investment Limited*, WIPO Case No. [D2017-1880](#).

In light of all of the circumstances of the case, more specifically, (i) the well-known status of Complainant’s EQUIFAX mark; (ii) the nature of the disputed domain name which constitutes of an intentional misspelling of Complainant’s mark; (iii) the absence of a response by the Respondent; (iv) the use of the disputed domain name to presumably enable a “tech support scam” and; (v) the setting up of MX records which could potentially be used to further support the alleged “tech support scam” are all indications that the disputed domain name was registered and used in bad faith.

The Panel finds that Respondent registered and used the disputed domain name in bad faith for purposes of paragraph 4(a)(iii) of the Policy.

7. Decision

For all 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 <iquifax.com> be transferred to Complainant.

/Lorelei Ritchie/

Lorelei Ritchie

Sole Panelist

Dated: January 4, 2024